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SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



JOHN R. ASHCROFT
SECRETARY OF STATE

MISSOURI REGISTER

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June 1, 2018 June 15, 2018	July 2, 2018 July 16, 2018	July 31, 2018 July 31, 2018	August 30, 2018 August 30, 2018

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at www.sos.mo.gov/adrules/pubsched.

HOW TO CITE RULES AND RSMO

RULES

The rules are codified in the *Code of State Regulations* in this system–

Title		Division	Chapter	Rule
3	CSR	10-	4	.115
Department	<i>Code of State Regulations</i>	Agency Division	General area regulated	Specific area regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation, for example, 3 CSR 10-4.115 NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

Code and Register on the Internet

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is www.sos.mo.gov/adrules/csr/csr

The *Register* address is www.sos.mo.gov/adrules/moreg/moreg

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted printed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 6—DEPARTMENT OF HIGHER EDUCATION Division 10—Commissioner of Higher Education Chapter 4—Submission of Academic Information, Data and New Programs

PROPOSED AMENDMENT

6 CSR 10-4.010 Academic Program Approval. The department is deleting sections (1) and (6), amending sections (2)–(5) and (7)–(10), and renumbering as necessary.

PURPOSE: *This amendment sets forth the revised evaluation criteria and procedures for submitting new degree and certificate programs and program changes by public and independent institutions of higher education in Missouri to the Coordinating Board for Higher Education.*

[(1) Policy.

(A) In light of its responsibilities imposed and assigned by sections 173.005.2(1) and (7) and 173.030(1) and (2), RSMo, the Coordinating Board for Higher Education (CBHE) has determined that it can and should discharge its obligations by requiring institutions of higher education in the state to submit to it information concerning all new degree and certificate programs. The coordinating board will review all new program proposals and, in the case of public institutions, will approve or disapprove them. In the case of independent institutions, the coordinating board will review the programs and make pertinent recommendations. Although these recommendations are not binding on independent institutions, submission of the proposals is required of independent institutions in order to address the issues of duplication and access at the postsecondary level as well as to enable the coordinating board to fulfill its statutory obligations. Furthermore, compliance with this policy is one (1) of the conditions for the eligibility of independent institutions for participation in the Missouri student grant program.

(B) Sections of this rule that do not apply to independent institutions are those dealing with cooperative intercampus degree programs, staff advisory comments, use of consultants, performance reviews for new programs, joint review with CBHE and the Department of Elementary and Secondary Education and program finances.]

[(2)](1) Definitions.

(A) [Certificate—a prescribed course of study which confers an award other than a formal degree.] CBHE-approved mission—a description of the public institution's programs, audiences served, level and type of degrees offered, or other distinguishing factors, which the CBHE has reviewed and approved.

(B) [CIP Taxonomy—the six-digit code number assigned to academic program types by the Center for Educational Statistics of the United States Department of Education. CIP categories are described in the United States Department of Education publication, A Classification of Instructional Programs (CIP).] CBHE-approved off-site location—locations other than the main campus (for universities) or taxing district (for community colleges) that the CBHE has reviewed and approved. The department maintains an official inventory of approved off-site locations.

(C) CBHE-approved service region—a geographic region for which a public institution has responsibility for meeting the educational needs of its residents.

(D) Certificate program—a prescribed course of study which confers an award other than a formal academic degree.

(E) Classification of Instructional Programs (CIP)—a taxonomic scheme that supports the accurate tracking and reporting of fields of study and program completions activity. The CIP is the accepted federal government statistical standard on instructional program classifications, developed by the U.S. Department of Education.

(F) Combination programs—the result of a mechanical combination of two (2) previously existing programs.

[(C)](G) Commissioner—the commissioner of higher education as appointed by the CBHE.

[(D)](H) Content—the program specialization with its related options, if any, for which recognition is intended to be given by the conferring of a degree or certificate.

[(E)](I) Coordinating board, board or CBHE—the Coordinating Board for Higher Education created by [the Omnibus State Reorganization Act, Law 1974, p. 530] article IV, section 52 of the Missouri Constitution.

[(F)](J) Degree—[any prescribed course of study in an institution of higher education which constitutes an area of specialization leading to a recognized degree. This is the same

as the term *discipline specialty* as represented by the *Classification of Instructional Program (CIP) code* used in reporting] an award conferred by a college, university, or other postsecondary education institution as official recognition for the successful completion of a program of studies as defined by and reported to the United States Department of Education/[*s Integrated Postsecondary Education Data System*] and to the [Missouri] coordinating board's [for higher education's] certificate and program inventory. In baccalaureate degrees or higher, the term program is generally the same as major.

(K) Department—the Missouri Department of Higher Education created by article IV, section 52 of the Missouri Constitution.

(L) Duplication—proposing to offer the same or a similar program to one that is already being offered by another institution.

(M) Inactive status—the result of formal action by an institution on the status of an existing academic program, which suspends the program for a period not to exceed five (5) years.

[(G)/(N)] Independent institution—an approved private institution of higher education meeting the requirements of section 173.[205/1102(2), RSMo, provided it is also either accredited or a candidate for accreditation by the *Commission on Institutions of Higher Education of the North Central Association of Colleges and Secondary Schools* and provided it offers a postsecondary course of instruction at least two (2) years in length leading to conferral of a degree] Higher Learning Commission.

[(H)/(O)] Level—a degree, such as associate, baccalaureate, first professional, master's, specialist, doctorate and any other designation lower, higher, or intermediate to those which now exist or may be created. (Specialist programs, related to the state requirements for the certification of public school administrators and to the further education of public school teachers and supervisors, should be limited specifically to the field of education. These programs are essentially extensions of master's level studies and should evidence a study beyond that expected of master's programs.)

(P) Minor change—modifications to existing programs that do not involve changes to course content, prerequisites, or credit hours, including change of program title or CIP code; combination programs; inactive status; one- (1-) year certificate programs; options; program deletion; single-semester certificate programs.

(Q) Professional Degree—is an award for completing a program that 1) serves as a prerequisite to practicing in the profession; 2) requires at least two (2) years of college work prior to entering the program; and 3) requires a total of at least six (6) academic years of college work to complete the degree program, including prior required college work plus the length of the professional program itself.

[(I)/(R)] Program—a prescribed course of study that leads to the formal award of a certificate or degree.

1. Certificate 0 (Undergraduate)—Postsecondary award, certificate, or diploma (less than one (1) academic year) below the baccalaureate degree—

- A. Less than nine hundred (900) contact or clock hours; or
- B. Less than thirty (30) semester or trimester credit hours; or
- C. Less than forty-five (45) quarter credit hours.

2. Certificate 1 (Undergraduate)—Postsecondary award, certificate, or diploma (at least one (1), but less than two (2) academic years) below the baccalaureate degree—

- A. At least nine hundred (900), but less than one thousand eight hundred (1,800) contact or clock hours; or
- B. At least thirty (30), but less than sixty (60) semester or trimester hours; or
- C. At least forty-five (45), but less than ninety (90) quarter hours.

3. Associate's degree—an award that normally requires no more than sixty (60) semester credit hours unless necessary for accreditation or licensure.

4. Certificate 2 (Undergraduate)—postsecondary award, certificate, or diploma (at least two (2), but less than four (4) academic years) below the baccalaureate degree—

A. At least one thousand eight hundred (1,800), but less than three thousand six hundred (3,600) contact or clock hours; or

B. At least sixty (60), but less than one hundred twenty (120) semester or trimester credit hours; or

C. At least ninety (90), but less than one hundred eighty (180) quarter credit hours.

5. Baccalaureate degree—an award that normally requires no more than one hundred twenty (120) semester credit hours unless necessary for accreditation or licensure.

6. Graduate certificate—an organized program of study beyond the bachelor's degree, designed for persons who have completed a baccalaureate degree but not meeting requirements of academic degrees at the master's level.

7. Master's degree—an award that typically requires successful completion of a program of study of at least the full-time equivalent of one (1), but not more than two (2) academic years of work beyond the bachelor's degree. Some of these degrees may require more than two (2) full-time equivalent academic years of work.

8. Post-master's certificate (First-professional certificate)—an organized program beyond the master's degree but not meeting requirements of academic degrees at the doctor's level. This award is designed for persons having completed the first-professional degree (refresher courses or additional units of study in a specialty or subspecialty).

9. Doctoral degree—the highest award a student can earn for graduate study (research/scholarship or professional practice).

(S) Program deletion—the removal of a program or an option from an institution's program offerings.

(T) Program change—any revision or change in a program name or its nomenclature, including CIP number.

[(J)/(U)] Public institution—an approved public institution of higher education meeting the requirements of section 173.[205/1102(3), RSMo], provided it is also either accredited or a candidate for accreditation by the *Commission on Institutions of Higher Education of the North Central Association of Colleges and Secondary Schools*, and provided it offers a postsecondary course of instruction at least two (2) years in length leading to conferral of a degree].

[(K)/(V)] Program option/s/ or option—a formally designated area of specialization within an existing degree program that has a distinctive curricular pattern. A [preponderance] majority of required courses for the option will be taken in a core of courses common to all variations of the existing parent degree. For the purposes of program changes, option, emphasis area, and other similar terms are assumed to be equivalent.

(W) Substantive curricular change—significant modifications or expansion of an existing program. Examples of substantive changes include, but are not limited to, a change in the program's overall credits or goals; deletion and replacement of a significant number of courses in the program's curriculum; change in the primary mode of delivery; change in the program's purpose; change in the audience(s) that the program is intended to serve.

[(L)/(X)] Program [T/type or type of program—A designation within a degree level, such as associate of arts(AA), associate of science (AS), associate of applied science (AAS), bachelor of arts, bachelor of science, bachelor of science in engineering, master of arts, master of science, doctor of philosophy, doctor of education, etc. [AA and AS degrees are oriented toward transfer to baccalaureate programs. AAS degrees are not oriented toward

transfer to baccalaureate programs, but rather are terminal vocational programs.]

[(3)](2) [General Program Approval] Special Procedure[s] for New Public Institutions.

[(A) The coordinating board or its designee shall be responsible for the review of all new program proposals and shall either approve or disapprove them. Institutions submitting new programs for CBHE review shall follow the format outlined by CBHE staff. Submissions shall be made on appropriate forms as provided by the CBHE. All actions resulting in the approval of new programs for public institutions shall be subject to a stipulation regarding the program's ability to attain specified performance goals during a stipulated period that shall have been established by the sponsoring institution and shall have been approved by the board or its designee.

(B) Performance Review. At the conclusion of the stipulated period, the program's performance shall be reviewed on the basis of the specified goals in a manner mutually satisfactory to the sponsoring institution and the commissioner. In the event a new program fails to develop satisfactorily in the allotted period as determined by the board or its designee, the status of the new program shall be evaluated. As a result of this review, approval may be continued with or without further stipulations, or program authorization may be withdrawn. In the latter event, should the sponsoring institution choose to continue the new program rather than terminate it, the resources associated with the program shall be withdrawn from the institution's funding base for the purpose of developing future state appropriation requests.

(C) Special Procedure for New Public Institutions.]

[1.](A) Since newly-established public institutions have ordinarily only begun the process of assembling the resources necessary to offer instruction, application of the usual [and customary] review process would [not] be inappropriate. As a consequence, new public institutions must develop a five- (5-)/- year academic plan that projects those programs the institution intends to develop during this period based upon a need analysis it has conducted. The institution must also provide satisfactory evidence that it can reasonably expect to acquire the resources necessary to support these programs. The institution must submit annual updates on the plan and its progress toward full implementation. At these times the institution may request revisions in its original plan.

[2.](B) Subject to [coordinating board] CBHE approval of the plan, the new institution may offer these programs for a period not to exceed five (5) years. During this time the institution must submit formal proposals for new program approval; however, the submission of these programs may occur on a schedule convenient to the institution. Those programs that have not received regular approval by the end of the five- (5-)/- year planning period shall be terminated, or the resources associated with the program shall be withdrawn from the institution's funding base for the purpose of developing future state appropriation requests.

[(D)](C) Notice. Prompt notice of the results of all academic program approval and review actions by the board or its designee, including any pertinent comments relating thereto, [shall] will be sent to the [Coordinating Board for Higher Education] CBHE whenever the action decision has been delegated, to all higher education institutions and to the public in a manner deemed appropriate by the commissioner.

[(4)](3) General Program Review [Policies] for Independent Institutions. Except for subsections (4)(A), (4)(B), the right to appeal provided in section (8), and any pertinent definitions in section (1), this rule does not apply to independent institutions. Independent institutions shall submit all new degree and certificate programs for CBHE review according to the procedure in

either subsection (4)(A) or (4)(B), as determined by department staff. The CBHE may offer nonbinding recommendations on such program proposals, and may use submitted information to aid the analysis of public institutions' program proposals. Submission of new program information is a prerequisite to receiving any funds administered by the CBHE in accordance with section 173.005.2(9) and (10), RSMo, but receipt of such funds does not depend on receipt or compliance with CBHE comments or recommendations. In no event, section (4) of this rule notwithstanding, will independent institutions' program proposals be subject to CBHE approval.

[(A) Independent institutions shall submit all new degree and certificate programs for coordinating board review. Institutions submitting new programs for CBHE review shall follow the general format used by public institutions. Submissions should be made on appropriate forms as provided by the CBHE.

(B) The board or its designee shall review new program proposals submitted by independent institutions and may make pertinent comments and recommendations. Although these recommendations are not binding on independent institutions, submission of the proposals is required of independent institutions to address the issues of duplication and access at the postsecondary level as well as to enable the CBHE to fulfill its statutory obligations. Compliance with this policy is one (1) of the conditions for the eligibility of independent institutions for participation in the Missouri student grant program.

(C) The board or its designee shall ensure that the review of new programs submitted by independent institutions is conducted in a manner to provide that all criteria and definitions that are applicable to public institutions are also applicable to independent institutions except as explicitly provided in this rule. These criteria, however, shall be applied with due regard for the differences between public and independent institutions as well as the different degree of responsibility and authority the coordinating board and state have in the operation of the respective sectors.

(D) With respect to permissible differences in the review process between independent and public institutions, the following criteria, procedures and definitions shall not be applicable to independent institutions unless an individual independent institution should voluntarily elect to participate in a particular review provision:

- 1. All financial criteria shall not be applicable and related data should not be submitted;*
- 2. Provisions related to cooperative intercampus degree programs shall not be applicable;*
- 3. Provisions related to staff advisory comments shall not be applicable;*
- 4. Provisions related to performance reviews for new programs shall not be applicable;*
- 5. Provisions related to the use of consultants shall not be applicable; and*
- 6. Provisions related to the joint review of vocational programs by the coordinating board and the Department of Elementary and Secondary Education shall not be applicable.*

(E) Notice. Prompt notice of the results of all academic program review actions by the CBHE or its designee, including any pertinent comments relating thereto, shall be sent to the Coordinating Board for Higher Education whenever the action decision has been delegated, to all higher education institutions and to the public in a manner deemed appropriate by the commissioner.]

(4) Types of Review.

(A) Staff Review.

- 1. Minor changes to existing academic programs and the**

addition of some certificates may be addressed through a staff review. Institutions shall report all minor changes to ensure that the state program inventory is accurate and complete.

2. Requests for minor changes to existing academic programs must be submitted to the department on forms provided by the department. The following guidelines apply to specific change requests:

A. Moving an existing program to inactive status.

(I) Programs placed on inactive status will be suspended for a specified period not to exceed five (5) years.

(II) Students in the program at the time this status is adopted will be permitted to conclude their course of study if they have no more than two (2) years of coursework remaining, but no new students may be admitted to the program.

(III) At the conclusion of the designated inactive period, not to exceed five (5) years, the institution must review the program's status and may either delete it or reactivate it.

(IV) Only programs and certificates may be placed in inactive status; options are deleted through the program deletion process;

B. Program deletion. At the time an institution notifies the Higher Learning Commission (HLC) in writing about the circumstances for which HLC requires a teach-out agreement, the institution must also notify the department. Institutions must provide program name, level, CIP code, and effective date of deletion;

C. Location notification. This includes change of address updates, and notifications of closed locations. Notifications of closed locations must also include the list of programs to be deleted at the location;

D. Change of program title or CIP code. A title, CIP code, or nomenclature revision that includes substantive curriculum changes may be deemed tantamount to a new program and may be referred to the institution for consideration at the routine or comprehensive review level;

E. Combination programs. Combination programs will be reviewed at the staff review level for the elimination of duplicated requirements. The development of interdisciplinary programs and area study programs that utilize the resources of several existing programs will be reviewed through the routine or comprehensive new program approval process. However, proposals that combine two (2) or more programs ordinarily involve a substantive curricular change, which must be reviewed in the comprehensive process described in subsection (5)(C);

F. Certificate programs. Single-semester certificate programs, either as a stand-alone or as part of a parent-degree program, will be considered under staff review. A one- (1-) year certificate may be considered under staff review only if developed from, directly related to, and deriving courses predominantly from an approved parent degree program. Otherwise, one- (1-) year certificate proposals must be submitted as a new program at the routine or comprehensive review level, as appropriate;

G. Graduate certificates. Graduate certificates greater than a single semester in length may be approved at the staff review level if they are part of an existing approved parent degree program. Graduate certificates greater than a single semester that are not part of an approved parent degree must be submitted as a new program at the routine or comprehensive review level, whichever is appropriate; and

H. Adding an option to an existing program. The addition of a specialized course of study as a component of an umbrella degree program may be submitted as a program change subject to a determination by the CBHE or its designee regarding the potential for unnecessary or inappropriate duplication of existing programs, in accordance with subsection (9)(C) of this rule. Only in those instances in which duplication is necessary and appropriate may the proposed option be implemented. Options within a parent degree program will have the same CIP code as the par-

ent degree. The institution shall provide evidence that the proposed option functions as a component of an umbrella degree program, including the curriculum common to the parent degree and all of its options.

(I) The following general guidelines distinguish a permissible option addition from a proposed new degree program:

(a) An option or emphasis area generally functions as a component of an umbrella degree program. As such, an option in a specialized topic will consist of a core area of study in the major plus selected topical courses in the specialty. Typically, the core area of study will constitute a majority of the requirements in the major area of study as measured in the number of required courses or credit hours;

(b) A proposed option or emphasis area must be a logical component or extension of the umbrella degree program. One (1) measure of this compatibility—but not the only one—would be the consonance of the proposed addition with the federal CIP taxonomy. For instance, using physics as an example, optics would be an appropriate option (emphasis area) while astrophysics would ordinarily not be acceptable as it is typically viewed as a branch of astronomy rather than physics;

(c) The number of new courses required to implement a new option or emphasis area is relevant. Four (4) or more new courses in a proposed new option would tend to raise questions about resource commitments and suggest that a new program has been developed; and

(d) The need to develop new courses as a condition of implementing an option is a relevant consideration.

3. Review and reporting. Department staff will review requests for minor changes to existing academic programs. Department staff may request additional information from the proposing institution.

4. Timeline. For all requests submitted by the first of the month, department staff will process, review, and report back to institutions by the end of that same month. Department staff will report routine review actions to the CBHE at the next regular board meeting following completion of review.

(B) Routine Review.

1. Proposals for new academic programs that are not minor, but do not constitute a significant change in an institution's current role, scope, or mission will be reviewed under the routine review process. For a proposed program to be considered through routine review, it must meet all of the following criteria:

A. The program is clearly within the institution's CBHE-approved mission;

B. The program will be offered within the proposing institution's CBHE-approved service region;

C. The program will not unnecessarily duplicate an existing program in the applicable geographic area, as described in subsection (9)(C) of this rule;

D. The program will be offered at the main campus or at a CBHE-approved off-site location;

E. The program will build on existing programs and faculty expertise; and

F. The cost to launch the program will be minimal and within the institution's current operating budget.

2. The following proposals generally will be considered under the routine review process:

A. Substantive curricular changes to an existing program;

B. Delivery of an approved program at a CBHE-approved off-site location; and

C. New degree programs offered in collaboration with an institution already approved to offer such a program.

3. Process.

A. Institutions shall provide information about the proposed program to the department on forms provided by the department. This information will include certification that the proposal meets the criteria for routine review and that the program meets the criteria for all new academic programs.

Department staff may request additional information from the proposing institution.

B. Department staff will verify and post the proposal on the department's website to allow for twenty (20) days of public review and comment. Any institution, member of the profession, occupation, or specialized academic field, and any other interested individual may express an opinion to department staff regarding any new program proposal. Comments must be received within twenty (20) days of the proposal's posting on the department website.

C. The proposing public institution will address comments and feedback received. Once all concerns are resolved, the commissioner will recommend provisional approval of the program for a period of five (5) years.

(I) The public institution shall establish clearly defined performance goals for the new program to be achieved during the provisional implementation period. The public institution may revise its performance goals for the new program at any time during the designated implementation period with the concurrence of department staff.

(II) Provisional approval by the CBHE or its designee is valid for two (2) years following the first fall term after CBHE approval. If an institution has not implemented the proposal by that date, the approval will lapse and the program proposal must be resubmitted with updated information.

D. At the end of the five- (5-) year provisional approval period, the department will review the program's viability to determine whether the CBHE's provisional approval should become unconditional, remain provisional pending further review in two (2) years, or be terminated.

(I) Public institutions shall provide to department staff, in a manner prescribed by department staff, enrollment, graduation, and staffing data for the program, as well as a brief summary of program performance. If the program is performing as well as or better than the projections in the original program proposal, the department will recommend that the CBHE approve the program unconditionally.

(II) If the CBHE terminates provisional approval, the public institution shall take the necessary steps to close the program, which includes accommodating students currently enrolled in the program.

4. Timeline.

A. Requests submitted by the first of the month will be reviewed and processed, and in most cases institutions will be notified, by the end of that same month. Department staff will report routine review actions to the CBHE at the next regular board meeting following completion of review.

(C) Comprehensive Review.

1. Proposed new academic programs that meet any of the following criteria will be subject to a comprehensive review:

A. The program will be offered outside the institution's CBHE-approved service region;

B. The institution will incur substantial costs to launch and sustain the program;

C. The program will include the offering of degrees at the baccalaureate level or higher that fall within the Classification of Instructional Programs (CIP) code of 14, Engineering;

D. The program is outside an institution's CBHE-approved mission;

E. The program will include the offering of a doctoral degree, as further described in paragraph (9)(C)3. of this rule (applicable only to non-University of Missouri institutions);

F. The program will include the offering of a professional degree, as further described in paragraph (9)(C)3. of this rule (applicable only to non-University of Missouri institutions); or

G. The program will include the offering of an education specialist degree.

2. Elements of a Complete Proposal for Comprehensive

Review. Institutions shall submit the proposal to the department on forms provided by the department. A complete proposal includes the following:

A. Evidence of good faith effort to explore the feasibility of collaboration with other institutions whose mission or service region encompasses the proposed program. At a minimum, this will include letters from the chief academic officers of both the proposing institution and other institutions involved in exploring the feasibility of collaborative attesting to the nature of the discussions and explaining why collaboration in this instance is not feasible;

B. Evidence that the offering institution is contributing substantially to the CBHE's *Blueprint for Higher Education* as adopted on February 4, 2016, pursuant to section 173.020(4), RSMo, and is committed to advancing the goals of that plan;

C. Evidence of institutional capacity to launch the program in a high-quality manner, including:

(I) An external review conducted by a team including faculty experts in the discipline to be offered and administrators from institutions already offering programs in the discipline and at the degree level proposed. The review must include an assessment of the offering institution's capacity to offer the new program in terms of general, academic, and student service support, including faculty resources that are appropriate for the program being proposed (e.g. faculty credentials, use of adjunct faculty, and faculty teaching workloads);

(II) A comprehensive cost/revenue analysis summarizing the actual costs for the program and information about how the institution intends to fund and sustain the program;

(III) Evidence indicating there is sufficient student interest and capacity to support the program, and, where applicable, sufficient capacity for students to participate in clinical or other external learning requirements, including library resources, physical facilities, and instruction equipment; and

(IV) Where applicable, a description of accreditation requirements for the new program and the institution's plans for seeking accreditation; and

D. Evidence that the proposed program is needed, including:

(I) Documentation demonstrating that the program does not unnecessarily duplicate other programs in the applicable geographic area, as described in subsection (9)(C) of this rule;

(II) A rigorous analysis demonstrating a strong and compelling workforce need for the program, which might include data from a credible source, an analysis of changing program requirements, the current and future workforce, and other needs of the state, and letters of support from local or regional businesses indicating a genuine need for the program; and

(III) A clear plan to meet the articulated workforce need, including:

(a) Aligning curriculum with specific knowledge and competencies needed to work in the field(s) or occupation(s) described in the workforce need analysis in part (II) of this subparagraph;

(b) Providing students with external learning experiences to increase the probability that they will remain in the applicable geographic area after graduation; and

(c) A plan for assessing the extent to which the new program meets that need when implemented.

3. Process.

A. Department staff will verify and post the proposal on the department's website to allow for twenty (20) days of public review and comment. Any institution, member of the profession, occupation, or specialized academic field, and any other interested individual may express an opinion to department staff regarding any new program proposal. Comments must be received within twenty (20) days of the proposal's posting on the department's website.

B. Department staff, in consultation with the external review team described in part (4)(C)2.C.(I) of this rule, will review a complete proposal and provide feedback to the proposing institution.

C. The proposing public institution will address comments and feedback received. Once all concerns are resolved, the commissioner will recommend provisional approval of the program for a period of five (5) years.

(I) Public institutions shall establish clearly defined performance goals for the new program to be achieved during the provisional implementation period. The public institution may revise its performance goals for the new program at any time during the designated implementation period with the concurrence of department staff.

(II) Public institutions must report annually to the CBHE on the number of students completing the program, financial performance of the program, job placement rates of program graduates, success on any applicable licensure exams, and the extent to which the program is meeting the needs it was designed to address.

(III) Provisional approval by the CBHE or its designee is valid for two (2) years following the first fall term after CBHE approval. If an institution has not implemented the proposal by that date, the approval will lapse and the program proposal must be resubmitted with updated information.

D. At the end of the five- (5-) year provisional approval period, the department will review the program's viability to determine whether the CBHE's provisional approval should become unconditional, remain provisional pending further review in two (2) years, or be terminated.

(I) Public institutions shall provide to department staff, in a manner prescribed by department staff, enrollment, graduation, and staffing data for the program, as well as a brief summary of program performance. If the program is performing as well as or better than the projections in the original program proposal, the department will recommend that the CBHE approve the program unconditionally.

(II) If the CBHE terminates provisional approval, the public institution shall take the necessary steps to close the program, which includes accommodating students currently enrolled in the program.

4. Timeline.

A. Proposals must be submitted to the CBHE by July 1 of each year. The CBHE, in its sole discretion, will determine which proposals to evaluate, and will announce its evaluation decision(s) in September. Final decisions to approve programs will ordinarily be made by February.

B. Comprehensive reviews will be phased in to the program approval process.

(I) In the 2017-2018 review cycle, the CBHE will consider no more than three (3) proposals, in total, to offer a degree outside an institution's CBHE-approved mission. No more than two (2) proposals may come from either public universities or public two- (2-) year institutions during this review cycle.

(II) In the 2018-2019 review cycle, the CBHE will consider no more than five (5) proposals, in total, to offer a degree outside an institution's CBHE-approved mission. No more than three (3) proposals may come from either public universities or public two- (2-) year institutions during this review cycle.

(III) If changes to statutes or licensure requirements warrant the authorization of more than one (1) institution to propose a program requiring a comprehensive review, such proposals may be considered as a single proposal for purposes of this section only.

(IV) Each individual institution's proposal will be evaluated on its own merits.

(V) After two (2) proposal cycles, the CBHE may convene a task force to evaluate the new framework and to recom-

mend improvements for the CBHE's consideration.

(5) [Submission of Proposals] Off-campus and Out-of-district Degrees and Courses.

[(A) Program Review Schedule.

1. Except as otherwise noted in this rule, proposals for degree and certificate programs must be submitted at least one hundred twenty (120) days prior to implementation and should be submitted to the Missouri Coordinating Board for Higher Education during one (1) of the following three (3) periods each year:

A. March 1 through March 31;

B. July 1 through July 31; and

C. November 1 through November 30.

2. Every effort will be made to complete the review of proposals received in each of these periods during the following one hundred twenty (120)-day cycles (which will begin on April 1, August 1 and December 1), unless unusual circumstances require more time for review of a particular program. The CBHE or its designee may permit departure from this schedule, if necessary, but the sponsoring institution shall be notified of the delay and the reasons for it. The sponsoring institution may request an expedited review of a proposed program in extenuating circumstances by informing the commissioner in writing of the reasons for the request. Pending degree programs shall not be implemented until coordinating board action has been completed.

[(B) Off-campus and Out-of-district Degrees and Courses.]

[1.](A) In addition to submitting proposals for new certificate and degree programs for on-campus offerings, an institution must submit a new program proposal if more than half the major requirements for the degree can be completed at an off-campus site for four- (4-)/- year institutions or at an out-of-district site for two- (2-)/- year institutions. (For the purposes of this section, major requirements [shall be considered to] include course requirements in the specific area of concentration only; general education requirements and free electives [shall] will not be a factor in this determination.)

[2.](B) All formal two-plus-two (2 + 2) curricular agreements must be submitted for review if either the sponsoring institution or the host institution is publicly supported.

(C) [Instructional Site Defined. In the context of the previous subsection, instructional site shall be defined to include only those settings where instruction is delivered directly to students by a physically present teacher. Internship sites and the simple receipt of telecommunications transmissions shall ordinarily not constitute an instructional site. However, programs identified for delivery by such nontraditional means as telecommunications must be submitted for review, and the subsequent review shall focus on instructional delivery at the point of origin. All customary review criteria shall be applicable to programs delivered by nontraditional means.] Types of Off-Campus Instructional Sites Requiring CBHE Approval. The following off-campus instruction sites require CBHE approval:

1. Residence centers, as defined in 6 CSR 10-6.020(1);

2. Off-campus instruction as defined in 6 CSR 10-6.030(1)(C); and

3. Out-of-district instruction as defined in 6 CSR 10-6.030(1)(D).

(D) Special Procedure for Multiple-campus Institutions.

1. Multiple-campus four- (4-)/- year institutions must submit separate program proposals for individual campuses, subject to certain exceptions for cooperative degree programs that are defined in subsequent paragraphs. For the purposes of cooperative degree programs, residence centers [shall] are not [be regarded as] separate campuses.

2. New program authorization for one (1) campus of a multiple-campus two- (2-)/- year public institution may be extended to all

other campuses within a district at the discretion of the sponsoring institution *[subject to the stipulation that]*, **provided** the *[coordinating board]* **sponsoring institution** *[shall be informed]* **informs the CBHE** of all academic programming available at each campus.

(E) Cooperative Intercampus Degree Program for Public Institutions.

1. A cooperative~~/,~~ intercampus degree program extends an academic program authorized by the CBHE on one (1) of an institution's campuses to one (1) or more of its other campuses (not including residence centers) under the following conditions:

A. The campus authorized to provide the program will continue to do so;

B. The program is cooperative in nature, that is, it involves the faculty and resources of each participating campus;

C. The program *[shall]* **must** be included in the institution's plan and *[shall]* be consistent with the mission statement for the receiving campus; and

D. The program *[shall]* **must** meet the accreditation guidelines of the appropriate national accrediting body, if any exists, as well as any applicable state licensure requirements.

2. Subject to the previously mentioned definition, a cooperative~~/,~~ intercampus program is distinct from the more typical new program model in which a program is developed as a new, free-standing entity on a campus.

3. The procedures and criteria for the review of *[these]* **cooperative intercampus** programs *[shall be]* **are** the following:

A. Following the endorsement by the president and the governing board of the institution, the program shall be sent to the *[board]* **CBHE** or its designee for review **at least one hundred twenty (120) days prior to the proposed implementation;**

[B. Each cooperative, intercampus program shall be shared with the CBHE staff for its review and consideration at least one hundred twenty (120) days prior to the proposed implementation;]

*[C.]B. It *[shall be]* is the institution's responsibility to document the economic development opportunity or the need the proposed program is designed to address, including specific *[manpower/ workforce]* needs at the state or regional level;*

*[D.]C. Additional expenditures associated with the proposed program *[shall]* will be defined. If the resource needs cannot be satisfactorily addressed by internal reallocation or alternative delivery systems, the program *[shall]* will be included in the institution's next budget request for state support; and*

*[E.]D. The *[board]* CBHE or its designee *[shall]* will review the cooperative~~/,~~ intercampus program on an expedited basis involving a period not to exceed sixty (60) days. In the event the program is not approved by the board's designee, the decision may be appealed to the *[coordinating board]* **CBHE** following established program appeal procedures.*

[4. This subsection is not applicable to independent institutions.

(F) Staff Advisory Comment for Public Institutions.

1. The first step in the approval process for free-standing new degree programs is known as the staff advisory comment (SAC) and applies to public institutions only. The SAC report enables the coordinating board staff to make preliminary judgments regarding a program proposed by a public institution prior to the preparation of an entire program proposal document and initiation of the internal approval process at the institutional level. The process also enables the sponsoring institution to anticipate and address issues that might be relevant during the full review. A favorable staff advisory comment does not guarantee final approval of the program when staff reviews the full proposal. Conversely, an unfavorable staff advisory comment does not necessarily mean that the final proposal for a program will not be approved. It will be expected, however, that staff con-

cerns expressed in the staff advisory comment will be addressed in the final proposal.

2. The SAC report will emphasize those program approval criteria listed in this rule which are relatively stable in the short- to mid-term and which cannot be readily adjusted to different circumstances or perceived needs.

A. Mission and planning priorities of sponsoring institution. Each proposal shall include a statement regarding the compatibility of the proposed program with an institution's mission and approved institutional plan or plan update.

B. Need for the proposed program. Each proposal shall address the issues of what are the societal, occupational, research and public service needs the program is intended to address as well as the anticipated student demand for the program, preliminary evidence related to market demand for program graduates and the relationship of the program to the economic development of the state, as may be appropriate.

C. Duplication of the proposed program. Each proposal shall comment on the issue of the extent to which any existing programs in the proposed service area already address the needs and purposes this program is designed to fulfill. Factors salient to the duplication issue include the relevance of existing programming, the availability of alternative educational delivery systems, extent of student demand, state or regional manpower requirements and access considerations.

3. To provide a frame of reference so the responses to these questions can be properly understood, it will also be necessary to submit a brief description of each program including an outline of the proposed curriculum. The structure of the proposed curriculum will not be subject to comment in this phase of the review process, and the CBHE staff will assume that the details of these descriptive materials may be subject to modification as the program development process proceeds. However, if additional planning suggests that a major shift in program emphasis would be appropriate, a new document must be submitted for a staff advisory comment.

4. All documents related to this process should be submitted in duplicate. Materials related to a staff advisory comment may be submitted at any time during the year. Every effort will be made to complete a staff advisory comment within forty-five (45) days of submission.

(G) Proposal for a New Academic Degree Program.

1. A proposal for a new academic degree program shall be submitted during one (1) of three (3) specified submission periods: March, July or November. All documents related to this process should be presented in triplicate in the form prescribed by CBHE staff. The board staff may request information in addition to that contained in the proposal.

2. Approval by the CBHE or its designee of new degree and certificate program proposals submitted by public institutions as well as the formal receipt of new programs from independent institutions are valid for two (2) years following the first fall term after the action. If an institution has not implemented the program by that date, the approval or receiving shall be considered to have lapsed and the program proposal must be resubmitted with updated information.

3. Any institution or interested party, that is, a representative from another institution, of the profession, occupation, or specialized academic field, or any individual who, as a potential student or employer, believes him/herself to be affected by the proposed program, may express an opinion to the coordinating board or its designee regarding the evaluation or recommendation of any new degree program proposal. This may also occur when an institution or individual wishes to comment on a degree program submitted by

another institution. In addition, a formal appeal of a program action may be initiated as provided elsewhere in this rule.

4. Proposal for a new AS transfer degree program.

A. The AS degree is a specialized degree which is intended for transfer into a preprofessional program and is substantively different from the AAS degree. The AAS degree is not intended as a transfer degree into a four (4)-year program and contains courses that are not primarily designed for transfer. Students seeking to transfer this degree will have their transcripts evaluated on a course by course basis.

B. The AS degree should result from careful planning and should constitute an articulation agreement between specific institutions.

C. The primary intent of the AS degree is to provide an alternative to the AA degree in those limited instances when the model general education program included in the AA degree cannot accommodate the demands of a preprofessional program. The AS degree shall be used only in exceptional circumstances when no other remedy is available.

D. The AS degree is to be developed through consultation between sending and receiving institutions on a program-by-program basis. Proposed AS degree programs may be submitted at any time of the year and will be reviewed using a modified program review process. The emphasis of this review will be on the justification for establishing an exception to the prescribed thirty-nine (39)-hour general education core requirement and the resource implications of the proposed agreement for the sending institution. Submission of a staff advisory comment request is not required for proposed programs of this type.

(6) Program Changes. Changes in programs must be submitted to the coordinating board for both informational and review purposes. After considering these changes, the board or its designee may determine that the change in program should be submitted instead as a new program proposal. Program changes should be reported using appropriate forms provided by the CBHE. Program changes that should be submitted include the following:

(A) Program Title Change All revisions or changes in a program name or its nomenclature shall be reported to the CBHA title or nomenclature revision that includes substantive curriculum changes may be deemed tantamount to a new program and be referred back to the institution for resubmission as a new program;

(B) Combination Programs.

1. This category is narrowly defined to include only those programs that result from a mechanical combination of two (2) previously existing programs. Substantive curricular changes shall ordinarily be limited to the elimination of duplicated requirements.

2. The development of interdisciplinary programs and area study programs that utilize the resources of several existing programs shall be handled through the new program approval process.

(C) Single Semester Certificates. A single semester certificate may be added or deleted simply by using a Notice of Changes in Programs form provided by the CBHE. The establishment of a longer program, however, shall be pursued through the procedures established in this rule;

(D) One (1)-year Certificate Programs.

1. A one (1)-year certificate program developed from an approved associate degree program shall be reported as a program change provided that the program is directly related to the approved associate degree program and consists predominantly of courses included in the associate degree pro-

gram.

2. A one (1)-year certificate not associated with an approved parent degree program must be submitted as a new program;

(E) Option Addition.

1. The addition of a specialized course of study as a component of an umbrella degree program may be submitted as an option addition program change subject to the limitation that the CBHE or its designee shall make a determination regarding the potential for unnecessary or inappropriate duplication of existing programs. Only in those instances in which duplication is not a problem may the proposed option be implemented.

2. The following general guidelines are used to distinguish a permissible option addition from a proposed new degree program:

A. At the conceptual level an option or emphasis area functions as a component of an umbrella degree program. As such, an option in a specialized topic shall consist of a core area of study in the major plus selected topical courses in the specialty. Typically, the core area of study shall constitute a preponderance of the requirements in the major area of study as measured in the number of required courses or credit hours, but no specific percentage distribution requirement has been established;

B. A proposed option or emphasis area shall be a logical component or extension of the umbrella degree program. One (1) measure of this compatibility—but certainly not the only one—would be the consonance of the proposed addition with the federal CIP taxonomy. For instance, using physics as an example, optics would be an appropriate option (emphasis area) while astrophysics would ordinarily not be acceptable as it is typically viewed as a branch of astronomy rather than physics; and

C. The number of new courses required to implement a new option or emphasis area can also be a relevant consideration. Four (4), five (5) or more new courses in a proposed new option would tend to raise questions about resource commitments and suggest that a new program has been developed;

(F) Inactive Status for Existing Programs.

1. Programs placed on inactive status will essentially be suspended for a specified period not to exceed five (5) years. Students in the program at the time this status is adopted shall be permitted to conclude their course of study if they have no more than two (2) years of course work remaining, but no new students may be admitted to the program. Programs designated as inactive will be so noted on institutional program inventories.

2. At the conclusion of the designated inactive period—not to exceed five (5) years—the institution must review the program's status and may either delete it or reactivate it.

3. In the event the institution chooses to reactivate the program, the institution shall provide the coordinating board satisfactory evidence that the resources necessary for the program are available and must establish performance goals for the program that are also acceptable to the coordinating board; and

(G) Deletion and Consolidation of Programs. Institutions must submit standard program change information whenever a program or option is deleted. This same provision applies whenever two (2) or more programs or options are to be consolidated into one (1) or more new offerings.]

[[7]](6) Use of Consultants.

(A) In addition to evaluating written proposals, the board or its designee, in some circumstances, may use the services of consultants. It is anticipated that this procedure will be used [infrequently]

primarily for comprehensive reviews.

(B) These consultants *[shall]* **must** be individuals who are mutually acceptable to the board and to the **public** institution whose program is under consideration. Both the commissioner and the **public** institution may recommend consultants, but the ultimate selection of the consultant *[shall]* **must** be agreeable to both.

(C) Services of consultants will be paid for by the **public** institution whose program is pending.

(D) Consultants may be used in the following circumstances:

1. At the request of either the commissioner or the **public** institution pending an unfavorable recommendation by *[the coordinating board]* **department** staff;

2. For some health-related professions or high technology programs whenever clinical facilities, laboratory facilities, equipment, or other aspects of the program need professional evaluation; or

3. In instances in which a judgment is difficult to make without the evaluation of professionally qualified external consultants.

[(8)](7) Programs Reviewed Jointly by the Coordinating Board for Higher Education and the Department of Elementary and Secondary Education.

(A) A *[n]* **public** institution requesting financial reimbursement for a new program from vocational/technical funds administered by the Department of Elementary and Secondary Education must submit at the same time *[two (2) copies]* **a copy** of the proposal in the CBHE's format to the Division of Career and Adult Education of the Department of Elementary and Secondary Education in accordance with the instructions of that office. *[Because independent institutions are not eligible for reimbursement under this program, this section does not apply to independent institutions.]*

(B) The coordinating board and the Department of Elementary and Secondary Education concur on the following procedures and understandings for effecting cooperation between the two (2) agencies in the exercise of their respective responsibilities regarding the development of vocational/technical programs in Missouri colleges and universities:

1. The responsibilities of the Department of Elementary and Secondary Education to approve courses of instruction for vocational/technical financial reimbursement and of the *[coordinating board]* **CBHE** to approve new degree and certificate programs are independent responsibilities and are not contingent one upon the other. However, as a general policy the Department of Elementary and Secondary Education will not approve financial reimbursement requests which are components of degree or certificate programs not approved by the coordinating board;

[2. In order to avoid duplication of effort by institutions, the Department of Elementary and Secondary Education will employ the coordinating board's proposal format for submission of new program proposals as its instrument for fiscal reimbursement requests;]

[3.]2. [Coordinating Board for Higher Education] CBHE staff will notify Department of Elementary and Secondary Education staff of the development of any vocational/technical program, and members of both staffs will confer on all vocational/technical degree and certificate programs submitted to the coordinating board; and

[4.]3. The Division of Career and Adult Education of the Department of Elementary and Secondary Education will receive notification of the commissioner's actions on all vocational/technical program proposals.

[(9)](8) Appeal Procedure. In the event of an appeal of a program review action for *[either]* a public *[or independent]* institution, the following procedures *[shall be followed]* **apply**:

(A) Any of the following parties may initiate an appeal of a program action decision:

1. The **public** institution submitting the original proposal;

2. Any Missouri higher education institution that believes its interests are adversely affected by the program decision; or

3. Any member of the *[Coordinating Board for Higher Education]* **CBHE**, in the event the original decision was made by the board's designee;

(B) An appeal originating with a higher education institution must be signed by the chief executive officer of the institution;

(C) A letter of intent to appeal must be received by the commissioner *[of higher education]* within thirty (30) days of receipt of the official notice of the program decision. If the appeal is initiated by a party other than the **public** institution that proposed the program, a copy of the intent to appeal letter and all other subsequent documentation must be sent to the sponsoring institution;

(D) The new program may not be implemented while an appeal is pending;

(E) Within fourteen (14) days after a letter of intent to appeal has been submitted, the appealing party must submit its full rationale in support of the appeal to the commissioner and to any affected institutions. This rationale should summarize the appellant's justification for a review of the program decision and should include any relevant supporting evidence;

(F) This rationale and the responses of the commissioner and any affected institutions will be placed on the agenda of the next meeting of the *[Coordinating Board for Higher Education]* **CBHE**, provided that the next meeting is scheduled at least fourteen (14) days after receipt of the rationale. If *[this criterion is not satisfied]* **the rationale is received less than fourteen (14) days before the next meeting**, the request for an appeal will be heard by the *[board]* **CBHE** at its next regularly scheduled meeting;

(G) *[If a majority of the Coordinating Board for Higher Education agrees that an appeal initiated by an institution should be heard, the matter will be referred to the CBHE committee on academic and library affairs]* **The CBHE chair will refer the matter to a relevant committee of the CBHE.** A public meeting of the committee will be scheduled at which time testimony will be presented by all interested parties, and the committee *[shall]* **will** make its determination;

(H) In those instances when a member of the *[coordinating board]* **CBHE** has initiated a review of a decision by the board's designee, the chair *[man]* of the board *[shall]* **will** receive copies of all relevant documents. Provided that a majority of the board agrees that an appeal should be heard, the board may decide either to refer the matter to *[the]* **a relevant committee** *[on academic and library affairs or to hear the appeal itself]* **of the CBHE.** If the matter is heard by the committee, the same procedures *[shall]* **will** apply as if the appeal were initiated by an institution. If the matter is heard directly by the board, the chair *[man]* of the board *[shall]* **will** establish the appropriate procedural guidelines; **and**

(I) All decisions of the body hearing the appeal, whether the full *[coordinating board]* **CBHE** or its committee *[on academic and library affairs, shall]* **will** be final; **and**].

[(J) This section on appeal procedures is intended to be applicable to both public and independent institutions, but no provision of this section shall supersede the general principle that decisions or recommendations by the Coordinating Board for Higher Education or the commissioner of higher education regarding programs submitted by independent institutions shall be recommendatory only.]

[(10)](9) General Review Criteria for New Degree and Certificate Programs.

(A) Mission and Planning Priorities.

1. The proposed new program must be consistent with the institutional mission, as well as the principal planning priorities of the **public** institution, as set forth in the **public** institution's approved plan or plan update *[in the case of public institutions or the institutional mission statement in the case of independent institutions]*.

2. The *[coordinating board shall]* **CBHE will** determine if proposed programs are consistent with a public institution's plan or

plan update as approved by the *[coordinating board]* CBHE. Except in unusual circumstances, only those proposed new programs submitted by a public institution that are consistent with the institution's mission statement and, when appropriate, anticipated in its approved institutional plan, *[shall]* will be eligible for approval and implementation.

(B) Need for the Proposed Program.

1. *[There]* **Public institutions** shall *[be a]* clearly demonstrate *[d]* and *[well-/document/ed]* demand and/or need for the program in terms of meeting present and future needs of the locale and the state, although it is recognized that for program approval purposes state needs are a part of broader national needs. Three (3) kinds of needs may be identified—

- A. Societal needs;
- B. Occupational needs relative to upgrading vocational/technical skills or meeting labor market requirements; and
- C. Student needs for a program.

2. Some programs may be desirable on the basis of their cultural contribution or social value or potential to serve student interests independent of labor market or demand considerations. However, in these instances the societal and student need for the program must be clearly demonstrated by the **public** institution submitting the proposal.

3. **Public** *[/institutions proposing new programs [must present data projecting employment and student demands and availability of openings in the labor market to] at the routine level must certify that employment and student demands exist, are backed by compelling data, and will be served by the new program. The kinds of information and data [submitted] used will vary somewhat with the type of program proposed but may include the following: personnel and employment projections prepared by the Bureau of Labor Statistics and the Missouri Occupational Information Coordinating Committee (MOICC) as well as professional and trade associations; surveys of potential employers, including numbers of anticipated vacancies and training requirements; and surveys of potential student interest.*

4. Adequate data *[shall be provided to] should* support projections for the number of students who are expected to enter the program. Program enrollment *[shall] should* be sufficient to ensure a quality educational experience *[as well as an] and make* efficient *[utilization] use* of resources.

5. As an additional indicator of need, the **public** institution shall *[clearly detail] explain* how program success will be defined and measured, particularly if that definition includes measures in addition to the conferral of a degree or certificate.

6. **Determination of need for a new program will be based in part upon an assessment of the function to be served by the program and the availability of alternative sources of education in a given service area. Availability of spaces in the same or similar programs in all institutions in the state offering postsecondary programs will be taken into account, as will possibilities for interinstitutional arrangements, including contracting as provided by statute.**

(C) Duplication of the Proposed Program.

1. A **public institution's** proposed program shall not be unnecessarily duplicative of *[those of]* other Missouri institutions' **programs**. Ordinarily, proposed programs in basic liberal arts and sciences at the baccalaureate level would not be considered unnecessarily duplicative, provided sufficient student demand can be demonstrated. Unnecessary duplication is a more specific concern in graduate, technical, and professional programs which meet special labor market needs.

[2. The questions of how a proposed program meets an institution's local and state service area needs and how it articulates with appropriate baccalaureate or graduate programs shall also be addressed (In this context it is understood that some programs, for example, the AAS, are designed to be terminal in character and are not ordinarily expected to articulate with more advanced programs.)]

[3.]2. [Factors salient to the duplication issue include,]

Unnecessary or inappropriate duplication will be determined by assessing the following factors in descending order of priority~~/,/:~~ the relevance of existing programming; the availability of alternative educational delivery systems; the extent of student demand; state or regional work force demand; and access considerations such as geographic availability, student population served, and cost of instruction.

3. No public institution other than the University of Missouri and its campuses may offer a Ph.D. or professional practice doctorate (a.k.a. "first-professional degree") without CBHE approval pursuant to subsection (4)(C) of this rule.

A. All first-professional degree programs are closely regulated by recognized professional and specialized accrediting agencies. Some first-professional degrees require a prior degree, but this is not true of all. First-professional degrees include the following:

- (I) Chiropractic (D.C. or D.C.M.)
- (II) Dentistry (D.D.S. or D.M.D.)
- (III) Law (L.L.B., J.D.)
- (IV) Medicine (M.D.)
- (V) Optometry (O.D.)
- (VI) Osteopathic Medicine (D.O.)
- (VII) Pharmacy (Pharm.D.)
- (VIII) Podiatry (D.P.M., D.P., or Pod.D.)
- (IX) Theology (M.Div., M.H.L., B.D., or Ordination)
- (X) Veterinary Medicine (D.V.M.)

B. The Ph.D. in any discipline is generally recognized as a research degree, typically requiring completion of original research or evidence of artistic accomplishment. Ph.D. programs require unique faculty, student/faculty ratios, assigned teaching loads, and infrastructure and financial support.

[4. Determination of need for a new program will be based in part upon an assessment of the function to be served by the program and the availability of alternative sources of education in a given service area. Availability of spaces in the same or similar programs in all institutions in the state offering postsecondary programs will be taken into account, as will possibilities for interinstitutional arrangements, including contracting as provided by statute.]

(D) Program Structure.

1. Existing programs can be strengthened and enriched when appropriate new courses and certificate or degree programs are added to the curriculum. A proposed program should be based on existing strengths of the **public** institution rather than be composed entirely of new courses. Off-campus degree programs must be based on existing on-campus degree programs.

A. Normally, graduate programs should be built upon strong baccalaureate programs which can support advanced study through basic library holdings, faculty resources, and appropriate research facilities and funds. It is, however, recognized that some graduate programs in universities and medical schools do not require supporting undergraduate baccalaureate majors in that field.

B. New **public** institutions in the process of being established may also be considered exceptions to this general expectation, but special procedures have been established in this rule to accommodate the developing institution.

2. There *[shall] will* be a carefully planned and systematic program of study for the proposed program which is clear and comprehensive. The structure of a new program *[shall] must* take into account, and be demonstrably consistent with, program objectives and intended student learning outcomes.

A. The linkage between program requirements and anticipated learning outcomes shall be delineated. Required courses in the major *[shall] must* not be excessive and should be consistent with customary expectations for the type of degree proposed.

B. The curriculum of the proposed program *[shall] must* reflect the requirements of any accrediting or certifying body if the

public institution elects to apply for accreditation or certification. (This statement is not intended to imply that specialized accreditation should be an institutional goal.)

C. Unless necessary for accreditation or licensure, new baccalaureate degrees should consist of no more than one hundred twenty (120) semester credit hours and new associate degrees should consist of no more than sixty (60) semester credit hours.

3. Innovative programs of study shall also contain an orderly and identifiable sequence of education experiences that lead to a recognizable goal.

A. The awarding of credit for any experiential learning, credit by examination, off-campus courses, etc., shall be consistent with both established institutional and *[coordinating board]* CBHE policies. The requirements for off-campus programs *[shall]* **must** be fully comparable to those for similar on-campus programs. If these requirements are not the case for the proposed program, the rationale for the difference must be clearly explained.

B. The policies and procedures for granting experiential credit and/or credit by examination (including the maximum number of such credit hours which are applicable to a specific degree program and the minimum scores which are acceptable) *[shall]* **must** be clearly specified in written guidelines available to the student. The maximum number of experiential credit hours applicable to a specific degree program *[shall]* **must** be the same for students enrolled at off-campus locations as for students enrolled on-campus.

4. In general, courses offered for credit off-campus *[shall]* **must** be part of the regular catalogue offerings of the **public** institution and *[shall]* **must** be applicable to programs in the same manner as courses taken on-campus. Special courses developed solely for off-campus teaching *[shall]* **must** be limited and *[shall be]* consistent with the mission of the **public** institution. The standards for awarding credit to students enrolled at off-campus locations *[shall]* **must** be the same as the standards applied to students enrolled on campus.

5. Each **public** institution's policy concerning residency for academic study purposes (as distinct from fee level) *[shall]* **must** be stated clearly regarding the number of credit hours applicable to a degree program which must be earned in-residence on its campus and *[shall]* **must** explicitly define in-residence.

(E) Faculty Resources. Faculty resources *[shall]* **must** be appropriate for the program, given the sponsoring **public** institution's mission and the character of the program to be developed.

1. The minimum educational attainment of the faculty *[shall]* **must** be the appropriate degree and/or occupational or other equivalent experiences commensurate with the degree level of the proposed program. While the doctorate, in most instances, is the appropriate terminal degree for baccalaureate and graduate programs, the Master of Fine Arts (MFA) or a similar degree is often considered a terminal degree. If accreditation is a desired goal of the program, the number of terminal degree holders *[shall]* **must** meet the minimum requirements of the appropriate accrediting association.

2. Adjunct faculty are an important and necessary component of some programs, particularly those programs that require a high degree of vocational/technical competence. However, programs *[shall]* **must** involve credentialed full-time faculty in teaching, program development and student services. If a program will involve more than fifty percent (50%) adjunct faculty, the rationale for the use of adjunct faculty *[shall]* **must** be documented and approved by the coordinating board or its designee.

3. Adjunct faculty, when utilized, *[shall]* **must** possess the same or equivalent qualifications as the regular faculty of the **public** institution and *[shall]* be approved by the academic unit through which the credit is offered. The responsibilities of adjunct faculty *[shall]* **will** be specified in such a manner that their involvement in program development and academic advising is assured, or that these activities are provided by other appropriate means.

4. Expected faculty workloads *[shall]* **must** be appropriate and

consistent with good educational practice and expressed in student credit hours per full-time equivalent faculty member in the administrative unit that will support the proposed program. This information, of course, must be evaluated in the context of the sponsoring institution's mission, the mission of the proposed program, and the character of the discipline from which the proposed program is an outgrowth.

(F) Library Resources.

1. Qualitative and quantitative factors of library resources *[shall]* **must** be appropriate for the proposed program, given the sponsoring **public** institution's mission and the character of the program to be developed. Books, periodicals, microfilms, microfiche, monographs, and other collections *[shall]* **must** be sufficient in number, quality, and currency to serve the program. Adequacy of the library personnel and of facilities to service the proposed program in terms of students and faculty will be considered. While some technical programs may not demand the same type or extent of holdings and services conventional arts and science programs do, these factors must be adequate.

2. Access to interlibrary loans and to libraries at other institutions or in other cities *[shall]* **will** be indicated. Interlibrary loans and reciprocal loan privileges at local libraries may constitute valuable resources for the program. However, within this framework, adequate library material *[shall]* **must** be available at the **public** institution which proposes the program. If the program is to be taught off-campus, access to adequate library resources *[shall]* **must** be provided.

(G) Physical Facilities and Instructional Equipment. The **public** institution shall provide *[P]*physical facilities and instructional equipment *[shall be]* adequate to support the program~~.~~ and *[S]*~~space~~*[s shall be provided]* for classrooms and for staff and faculty offices. Laboratories for studies in the technologies and sciences *[shall]* **must** be designed to provide maximum utilization of facilities, materials, and equipment, **which may include**~~.~~ *Some courses require laboratory facilities,* specialized equipment such as computer terminals and audiovisual aids, or other special resources. The **public** institution offering these courses off-campus *[shall]* **must** assure that appropriate support requirements are met.

(H) Administration and Evaluation.

1. Administration of the proposed programs *[shall]* **should** not be unduly cumbersome or costly~~.~~ and *[I]*~~ideally,~~ *[the program should]* fit into the **public** institution's current administrative structure *[of the institution]*. If administrative changes are required, they *[shall]* **should** be consistent with the organization of the **public** institution as a whole and necessitate a minimum of additional expense in terms of personnel and office space.

2. Proposals for jointly sponsored programs *[shall]* **should** include *[provisions for]* adequate plans for cooperative administration.

3. Each **public** institution shall set forth not only the administrative organization but also the instructional supervision and evaluation procedures for the program. These procedures *[shall]* **must** include evaluation of courses and faculty by students, administrators, and departmental personnel. Curriculum review procedures established by each **public** institution for its program offerings *[shall]* **must** include standards and guidelines for the assessment of student outcomes as defined for the program and consistent with the institutional mission.

[4. The institution shall establish clearly defined performance goals for the new program to be achieved during a stipulated implementation period. The institution may revise its performance goals for the new program at any time during the designated implementation period with the concurrence of the CBHE staff.]

5. *The institution shall define a review process with the concurrence of coordinating board staff to assess the program's development. In the event a new program fails to develop satisfactorily in the allotted period as determined by*

the commissioner, the status of the new program shall be evaluated. As a result of this review, approval may be continued with or without further stipulations, or program authorization may be withdrawn.]

[6.]4. In the event that program authorization is withdrawn **or approval is denied**, if the sponsoring **public** institution chooses to continue the new program rather than terminate it, the resources associated with the program *[shall]* **will** be withdrawn from the **public** institution's funding base for the purpose of developing future state appropriation requests~~[-]~~.

[7. Paragraphs(10)(H)4.—6. of this rule are not applicable to independent institutions.]

(I) Finances.

1. Suitable financing for initiating proposed programs must be available. Programs should be financed with fees from students new to the institution, funds that have been reallocated from institutional sources or grants, contracts or sources other than normal state appropriations for higher education.

2. In those circumstances for which one- (1-)/- time or limited duration funds are an integral component of the financing arrangements for a new program, the institution must also define a transition plan for the period when the one- (1-)/- time or limited duration funds cease to be available.

3. The proposed program may require phasing-out of some existing program(s) to reallocate institutional resources for new programs that are a logical outgrowth of existing **public** institutional strengths and consistent with the approved **public** institutional plan or plan update.

4. Ordinarily, approval will be extended only for those programs that meet these requirements unless the sponsoring **public** institution specifically requests additional state funds for program implementation. In this event, approval *[shall]* **will** be conditional on actual receipt of these funds through the legislative process.

[5. This subsection on finances is not applicable to independent institutions.]

AUTHORITY: sections 173.005(2)[, RSMo (1986)] and 173.030, RSMo [(Supp. 1988)] 2016. Original rule filed Feb. 13, 1979, effective June 18, 1979. Rescinded and readopted: Filed July 18, 1989, effective Oct. 15, 1989. Amended: Filed Dec. 20, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may submit a statement in support of or in opposition to this proposed amendment to the attention of Academic Affairs, Missouri Department of Higher Education, PO Box 1469, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 1—Director's Office
Chapter 2—Environmental Scholarships

PROPOSED RESCISSION

10 CSR 1-2.030 Minority and Underrepresented Scholarship Program. This rule set forth the administrative procedures and responsibilities of the Minority and Underrepresented Environmental Literacy Program (MUELP) and the Minority Environmental Literacy Advisory Commission for awarding scholarships to minority

and underrepresented students who are pursuing environmentally-related courses of study.

PURPOSE: This rule is being rescinded as the authority to administer the rule was transferred to the Department of Higher Education in 2010 and as such, it is no longer needed.

AUTHORITY: section 640.240, RSMo Supp. 1997. Original rule filed Dec. 15, 1997, effective Aug. 30, 1998. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Stuart Baker, Director's Office, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received by March 12, 2018. A public hearing is scheduled for March 5, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 1—Organization

PROPOSED RESCISSION

10 CSR 20-1.010 Organization and Powers. This rule provided compliance with 536.023, RSMo 1986, which requires each agency to adopt as a rule a description of its operation and the methods by which the public may obtain information or make submissions or requests.

PURPOSE: This rule is being rescinded as the department is writing a department-wide organizational rule to comply with 536.023, RSMo.

AUTHORITY: sections 644.026 and 536.023(3), RSMo 1986. Original rule filed June 14, 1976, effective Dec. 11, 1976. Rescinded: Filed Oct. 12, 1979, effective July 10, 1980. Readopted: Filed Feb. 4, 1980, effective July 11, 1980. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Lacey Hirschvogel, Water Protection Program, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received by the close of the public comment period, March 21, 2018 at 5:00 p.m. A public hearing is scheduled for March 14, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 1—Organization**

PROPOSED RESCISSION

10 CSR 20-1.020 Clean Water Commission Appeals and Requests for Hearings. This rule contained all procedural regulations for all contested cases heard by the commission or assigned to a hearing officer by the commission.

PURPOSE: This rule is being rescinded as section 621.250, RSMo and Chapter 536, RSMo clearly provide the procedural requirements for all contested cases heard by the commission or assigned to a hearing officer by the commission.

AUTHORITY: section 644.026, RSMo 2000. Original rule filed May 1, 2006, effective Dec. 30, 2006. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Lacey Hirschvogel, Water Protection Program, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received by the close of the public comment period, March 21, 2018 at 5:00 p.m. A public hearing is scheduled for March 14, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 4—Grants and Loans**

PROPOSED RESCISSION

10 CSR 20-4.020 State Match Grant Program. This rule set forth the requirements and process of application for a state grant to match Environmental Protection Agency construction grants for the construction of wastewater treatment works and the terms and conditions for receipt of the grant. The rule clarified the requirements and the types of facilities funded and the grant amount available for eligible grantees.

PURPOSE: This rule is being rescinded. Funding for the State Match Program ended in 1987.

AUTHORITY: sections 644.026, RSMo Supp. 1987 and 644.101, 644.106, 644.111 and 644.121, RSMo Supp. 1991. Original rule filed Oct. 12, 1982, effective April 15, 1983. Amended: Filed March 11, 1988, effective Oct. 1, 1988. Amended: Filed Dec. 1, 1988, effective April 15, 1989. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COM-

MENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Lacey Hirschvogel, Water Protection Program, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received by the end of the public comment period, March 21, 2018 at 5:00 p.m. A public hearing is scheduled for March 14, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 4—Grants and Loans**

PROPOSED RESCISSION

10 CSR 20-4.021 State Construction Grant Program. This rule provided the requirements and process of application for a state construction grant for construction of wastewater treatment works and the terms and conditions for receipt of a grant. The rule clarified the requirements, types of facilities eligible for grant funds, and the grant amount available for eligible grantees.

PURPOSE: This rule is being rescinded. The State Construction Grant Program was replaced by the State Forty Percent Construction Grant Program, 10 CSR 20-4.023, in 1990.

AUTHORITY: sections 644.026, RSMo Supp. 1987, and 644.101, 644.106, 644.111 and 644.121, RSMo Supp. 1991 and 644.116, RSMo 1986. Original rule filed Oct. 12, 1982, effective April 15, 1983. Amended: Filed March 9, 1984, effective Oct. 1, 1984. Amended: Filed March 11, 1988, effective Oct. 1, 1988. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Lacey Hirschvogel, Water Protection Program, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received by the end of the public comment period, March 21, 2018 at 5:00 p.m. A public hearing is scheduled for March 14, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 4—Grants and Loans**

PROPOSED RESCISSION

10 CSR 20-4.022 Industrial Development Program. This rule provided the requirements and process of application for an industrial development grant for wastewater treatment works and the terms and conditions for receipt of a grant. The rule clarified the requirements, types of facilities eligible for grant funds, and the grant amount available for eligible grantees.

PURPOSE: This rule is being rescinded. Funding for this program was made available in the short-term through the sale of State Water Pollution Control Bonds. The funding and the program are no longer available.

AUTHORITY: sections 644.026, RSMo Supp. 1987, 644.101, 644.106, 644.111 and 644.121, RSMo Supp. 1991 and 644.116, RSMo 1986. Original rule filed Oct. 12, 1982, effective April 15, 1983. Amended: Filed March 8, 1985, effective Oct. 1, 1985. Amended: Filed March 11, 1988, effective Oct. 1, 1988. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Lacey Hirschvogel, Water Protection Program, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received by the end of the public comment period, March 21, 2018 at 5:00 p.m. A public hearing is scheduled for March 14, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 4—Grants and Loans**

PROPOSED RESCISSION

10 CSR 20-4.043 Hardship Grant Program. This rule provided the eligibility, requirements, and process of application for a hardship grant and direct loan program that was available for economically disadvantaged communities for planning, design, and construction of wastewater treatment facilities. The program was administered in conjunction with the existing Wastewater State Revolving Fund Program or State Direct Loan Program.

PURPOSE: This is an administrative rulemaking rescission to eliminate a rule that is no longer necessary. This program was developed in order to secure available federal funding for disadvantaged communities. Congress has not appropriated funding for this program since the initial appropriation in the late 1990's.

AUTHORITY: sections 644.026 and 644.101, RSMo Supp. 1998. Original rule filed Nov. 3, 1997, effective July 30, 1998. Amended: Filed June 24, 1999, effective March 30, 2000. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Lacey Hirschvogel, Water Protection Program, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received by the end of the public comment period, March 21, 2018 at 5:00 p.m. A public hearing is scheduled for March 14, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 4—Grants and Loans**

PROPOSED RESCISSION

10 CSR 20-4.049 State Match to State Revolving Fund Loan Program. This rule provided the requirements and process of application for state grant to match state revolving fund loan funds for construction of wastewater treatment works and the terms and conditions for receipt of the grant.

PURPOSE: This is an administrative rulemaking rescission to eliminate a rule that is no longer necessary. This action will result in less confusion when referencing rules.

AUTHORITY: section 644.026, RSMo Supp. 1993. Emergency rule filed Jan. 17, 1990, effective Jan. 29, 1990, expired May 28, 1990. Original rule filed July 2, 1990, effective Nov. 30, 1990. Amended: Filed Sept. 4, 1991, effective Feb. 6, 1992. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Lacey Hirschvogel, Water Protection Program, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received by the end of the public comment period, March 21, 2018 at 5:00 p.m. A public hearing is scheduled for March 14, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 4—Grants and Loans**

PROPOSED RESCISSION

10 CSR 20-4.060 Stormwater Assistance Regulation. This rule set forth the requirements and process of application for stormwater grants for construction of stormwater control facilities and the terms and conditions for receipt of the grant as revised. This rule clarified the requirements, the types of facilities eligible for grant funds, and the grant amount available for eligible grantees.

PURPOSE: This is an administrative rulemaking rescission to eliminate a rule that is no longer necessary. This action will result in less confusion when referencing rules.

AUTHORITY: sections 644.026 and 644.031, RSMo 1994. Original rule filed Sept. 1, 1989, effective Jan. 12, 1990. Amended: Filed April 2, 1990, effective Sept. 28, 1990. Amended: Filed Sept. 4, 1991, effective Feb. 6, 1992. Amended: Filed Nov. 14, 1995, effective July 30, 1996. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Lacey Hirschvogel, Water Protection Program, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received by the end of the public comment period, March 21, 2018 at 5:00 p.m. A public hearing is scheduled for March 14, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 4—Grants and Loans**

PROPOSED RESCISSION

10 CSR 20-4.070 Sales Tax Exemption. This rule set forth the system used by the commission to determine eligibility for sales tax exemption for items purchased for the purpose of preventing or abating water pollution control.

PURPOSE: This is an administrative rulemaking rescission to eliminate the rule specifying the system used to determine sales tax exemptions. Legislation enacted through House Bill 1670 removed the requirement that businesses claiming the air and water pollution control exemption pursuant to Section 144.030.2(15), RSMo must first seek approval from the Department of Natural Resources.

AUTHORITY: sections 144.030 and 644.026, RSMo Supp. 1997 and 144.062, RSMo 1994. Original rule filed Nov. 3, 1997, effective July 30, 1998. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Lacey Hirschvogel, Water Protection Program, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received by the end of the public comment period, March 21, 2018 at 5:00 p.m. A public hearing is scheduled for March 14, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 22—Dam and Reservoir Safety Council
Chapter 1—Organization, Definitions and Immunity**

PROPOSED RESCISSION

10 CSR 22-1.010 General Organization. This rule provided information on the operation of the Dam and Reservoir Safety Program and how information may be obtained by the public.

PURPOSE: This rule is being rescinded as a more specific department organizational rule is being proposed.

AUTHORITY: Chapter 236, RSMo 1986. Original rule filed April 14, 1981, effective Aug. 13, 1981. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies

or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Ryan Stack, Dam and Reservoir Safety Program, PO Box 250, Rolla, MO 65401. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for March 14, 2018, at the Department of Natural Resources, 111 Fairgrounds Road, Rolla, MO 65402.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 22—Dam and Reservoir Safety Council
Chapter 1—Organization, Definitions and Immunity**

PROPOSED RESCISSION

10 CSR 22-1.030 Immunity of Officers. The original purpose of this rule is to restate the immunity from damages provided in section 236.475, RSMo (1986).

PURPOSE: This rule is being rescinded since it duplicates exact wording from RSMo 236.475

AUTHORITY: section 236.475, RSMo 1986. Original rule filed April 14, 1981, effective Aug. 13, 1981. Rescinded: Filed Dec. 29, 2017

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Ryan Stack, Dam and Reservoir Safety Program, PO Box 250, Rolla, MO 65401. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for March 14, 2018, at the Department of Natural Resources, 111 Fairgrounds Road, Rolla, MO 65402.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 22—Dam and Reservoir Safety Council
Chapter 2—Permits**

PROPOSED RESCISSION

10 CSR 22-2.060 Issuing Permit Renewals. This rule describes the procedure for renewing a permit.

PURPOSE: This rule is being rescinded since the statute adequately describes the process for permit renewal.

AUTHORITY: sections 236.405, RSMo Supp. 1993 and 236.415, 236.440 and 236.465, RSMo 1986. Original rule filed April 14, 1981, effective Aug. 13, 1981. Amended: Filed June 14, 1984, effective Jan. 1, 1985. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Ryan Stack, Dam and Reservoir Safety Program, PO Box 250, Rolla, MO 65401. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for March 14, 2018, at the Department of Natural Resources, III Fairgrounds Road, Rolla, MO 65402.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 22—Dam and Reservoir Safety Council
Chapter 4—Action Taken by Council and Chief Engineer**

PROPOSED RESCISSION

10 CSR 22-4.010 Emergency Action. This rule defines the way emergency action is taken.

PURPOSE: This rule is being rescinded because section 236.455, RSMo adequately defines emergency action procedures.

AUTHORITY: sections 236.400, 236.405, 236.420, 236.425 and 236.455, RSMo 1986. Original rule filed June 14, 1984, effective Jan. 1, 1985. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Ryan Stack, Dam and Reservoir Safety Program, PO Box 250, Rolla, MO 65401. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for March 14, 2018, at the Department of Natural Resources, III Fairgrounds Road, Rolla, MO 65402.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—Division of Geology and Land Survey
Chapter 1—Definitions and Organizational Structure**

PROPOSED RESCISSION

10 CSR 23-1.020 Application to All Wells. This rule explained the application of the law to the wells in the state.

PURPOSE: This rule is being rescinded because it unnecessarily states that the regulations apply to all wells. Sections 256.626 and 256.603(13), RSMo, address the application of the regulation to all wells.

AUTHORITY: sections 256.615, 256.620 and 256.626, RSMo Cum. Supp. 1991. Original rule filed April 2, 1987, effective July 27,

1987. Emergency amendment filed Nov. 16, 1993, effective Dec. 11, 1993, expired April 9, 1994. Amended: Filed Aug. 17, 1993, effective March 10, 1994. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Department of Natural Resources' Geological Survey Program attention to Amber Steele at PO Box 250, III Fairgrounds Rd., Rolla, MO 65402 or via email to amber.steele@dnr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—Division of Geology and Land Survey
Chapter 3—Well Construction Code**

PROPOSED RESCISSION

10 CSR 23-3.025 Public Water Supply—Notification to Division. This rule established requirements regarding notification by a public water supplier to the division when a well is to be abandoned in order to connect a structure to a public water supply system.

PURPOSE: This rule is being rescinded because it unnecessarily duplicates statutory language from section 256.628, RSMo. The one difference is that the regulation contains a requirement that certain information be submitted to the division within sixty (60) days. This sixty- (60-) day requirement in regulation is unnecessary since the statute provides sufficient authority to require submittal of the form.

AUTHORITY: sections 256.606 and 256.628, RSMo Supp. 1991. Original rule filed Aug. 17, 1993, effective March 10, 1994. Amended: Filed July 13, 1994, effective Jan. 29, 1995. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Department of Natural Resources' Geological Survey Program attention to Amber Steele at PO Box 250, III Fairgrounds Rd., Rolla, MO 65402 or via email to amber.steele@dnr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 24—Hazardous Substance Emergency
Response Office
Chapter 2—Definitions**

PROPOSED RESCISSION

10 CSR 24-2.010 Definitions. This rule provided for definitions for

terms used in 10 CSR 24.

PURPOSE: This rule is being rescinded as it is largely duplicative of definitions found in 260.500-260.552 RSMo. The rescission is being undertaken per the Red Tape Reduction Initiative in compliance with Executive Order 17-03.

AUTHORITY: section 260.520, RSMo Supp. 1993. Original rule filed Nov. 30, 1983, effective April 12, 1984. Emergency amendment filed Dec. 2, 1992, effective Jan. 1, 1993, expired April 30, 1993. Amended: Filed Oct. 5, 1992, effective April 8, 1993. Amended: Filed June 14, 1994, effective Jan. 29, 1995. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Natural Resources, PO BOX 176; 1101 Riverside Drive, Jefferson City, Missouri 65102-0176. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for 1:00 to 4:00 p.m., on March 5, 2018, at the Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 24—Hazardous Substance Emergency
Response Office
Chapter 3—Emergency Notification Procedures**

PROPOSED RESCISSION

10 CSR 24-3.010 Notification Procedures for Hazardous Substance Emergencies and for Emergency Notification of Releases of Hazardous Substances and Extremely Hazardous Substances. This rule provided notification procedures for the Hazardous Substance Emergency Response Office.

PURPOSE: This rule is being rescinded as it is largely duplicative of procedures and contact information found in 260.500-260.552, RSMo and 10 CSR24-1.010. The rescission is being undertaken per the Red Tape Reduction Initiative in compliance with Executive Order 17-03.

AUTHORITY: section 260.520, RSMo (Supp. 1995). Original rule filed Nov. 30, 1983, effective April 12, 1984. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Natural Resources, PO BOX 176; 1101 Riverside Drive, Jefferson City, Missouri 65102-0176. To be considered, comments must be received

within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for 1:00 to 4:00 p.m., on March 5, 2018, at the Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 50—Oil and Gas Council
Chapter 1—Organization, Purpose, and Definitions**

PROPOSED RESCISSION

10 CSR 50-1.010 Organization. This rule sets out the organization of the State Oil and Gas Council.

PURPOSE: This rule is being rescinded as it largely duplicates language in statutes, specifically sections 259.010, 259.020, and 259.030.2, RSMo.

AUTHORITY: sections 259.010, 259.020, and 259.030, RSMo Supp. 2015, and section 259.040, RSMo Supp. 2013. Original rule filed Oct. 11, 1966, effective Oct. 22, 1966. Amended: Filed Sept. 12, 1973, effective Sept. 22, 1973. Amended: Filed June 14, 1976, effective Nov. 12, 1976. Amended: Filed Sept. 15, 2015, effective March 30, 2016. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources' Geological Survey Program attention to Carey Bridges at PO Box 250, 111 Fairgrounds Rd., Rolla, MO 65402 or via email to carey.bridges@dnr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 1—Organization**

PROPOSED RESCISSION

10 CSR 60-1.010 Public Drinking Water Program—Description of Organization and Methods of Operation. This rule provided information on the operation of the Public Drinking Water Branch and how information may be obtained by the public.

PURPOSE: This rule is being rescinded as the department is writing a department-wide organizational rule to comply with 536.023, RSMo.

AUTHORITY: section 640.100, RSMo (1994). Original rule filed June 14, 1976, effective Oct. 11, 1976. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65101 or to sheri.fry@dnr.mo.gov. To be considered, comments must be received by the close of the public comment period on March 28, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on March 20, 2018, at the Department of Natural Resources, Nightingale Conference Room, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 4—Contaminant Levels and Monitoring**

PROPOSED RESCISSION

10 CSR 60-4.020 Maximum Microbiological Contaminant Levels and Monitoring Requirements. This rule provided the maximum contaminant levels and monitoring requirements for microbiological contaminants.

PURPOSE: This rule is being rescinded as the requirements of the rule sunset on March 30, 2016 with the promulgation of 10 CSR 60-4.022.

AUTHORITY: section 640.100, RSMo Supp. 2014. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65101 or to sheri.fry@dnr.mo.gov. To be considered, comments must be received by the close of the public comment period on March 28, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on March 20, 2018, at the Department of Natural Resources, Nightingale Conference Room, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 4—Contaminant Levels and Monitoring**

PROPOSED RESCISSION

10 CSR 60-4.092 Initial Distribution System Evaluation. This rule provided the requirements for initial distribution system evaluations for Stage 2 Disinfectants/Disinfection By-Products for public water supply systems.

PURPOSE: This rule is being rescinded as the requirements of the rule sunset in 2010, with the promulgation of 10 CSR 60-4.094.

AUTHORITY: section 640.100, RSMo Supp. 2008. Original rule filed Feb. 27, 2009, effective Oct. 30, 2009. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65101 or to sheri.fry@dnr.mo.gov. To be considered, comments must be received by the close of the public comment period on March 28, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on March 20, 2018, at the Department of Natural Resources, Nightingale Conference Room, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 4—Contaminant Levels and Monitoring**

PROPOSED RESCISSION

10 CSR 60-4.110 Special Monitoring for Unregulated Chemicals. This rule established the monitoring requirements for organic chemicals, volatile organic chemicals, and an inorganic chemical that was unregulated.

PURPOSE: This rule is being rescinded as the requirements were effective from 2008 to 2010.

AUTHORITY: section 640.100, RSMo 1994. Original rule filed June 2, 1988, effective Aug. 31, 1988. Rescinded and readopted: Filed March 31, 1992, effective Dec. 3, 1992. Amended: Filed May 4, 1993, effective Jan. 13, 1994. Amended: Filed Feb. 1, 1996, effective Oct. 30, 1996. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Sheri Fry, Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65101 or to sheri.fry@dnr.mo.gov. To be considered, comments must be received by the close of the public comment period on March 28, 2018 at 5:00 p.m. A public hearing is scheduled for 10:00 a.m. on March 20, 2018, at the Department of Natural Resources, Nightingale Conference Room, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 70—Soil and Water Districts Commission
Chapter 1—Organization**

PROPOSED RESCISSION

10 CSR 70-1.010 Organization. This rule provided compliance with 536.023, RSMo 1986, which requires each agency to adopt as a rule a description of its operation and the methods by which the public may obtain information or make submissions or requests.

PURPOSE: This rule is being rescinded because the department is writing a department-wide organizational rule to comply with 536.023, RSMo and the guidelines for administering individual variances to any rule or regulation, standard, requirement, limitation, or order of the commission are being moved from this rule to 10 CSR 70-5.060(3).

AUTHORITY: section 278.070.4, RSMo 2000 and sections 278.080.1 and 278.080.5(8), RSMo Supp. 2007. Original rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed Jan. 2, 2002, effective Aug. 30, 2002. Amended: Filed Sept. 26, 2007, effective May 30, 2008. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC MEETING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Soil and Water Districts Commission, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public meeting is scheduled for March 5, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 70—Soil and Water Districts Commission
Chapter 7—State Loan Interest-Share Program**

PROPOSED RESCISSION

10 CSR 70-7.100 Availability and Apportionment of Funds. This rule established the Soil and Water Districts Commission's guidelines for use and allocation of funds available to the Missouri Soil and Water Conservation Loan Interest-Share Program.

PURPOSE: This rule is being rescinded because the Missouri Soil and Water Conservation Loan Interest-Share Program is no longer available. In 2009, the commission passed a motion to discontinue this program due to a lack of demand from agricultural producers for financial assistance to purchase no-till drills and planters. There have been no expenditures to this program since 2013.

AUTHORITY: section 278.080, RSMo 1986. This rule was previously filed as 10 CSR 70-5.100. Original rule filed July 12, 1985, effective Nov. 15, 1985. Amended: Filed Oct. 29, 1987, effective Feb. 17, 1988. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC MEETING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Soil and Water Districts Commission, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public meeting is scheduled for March 5, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 70—Soil and Water Districts Commission
Chapter 7—State Loan Interest-Share Program**

PROPOSED RESCISSION

10 CSR 70-7.110 Application and Eligibility for Funds. This rule established criteria and methods of application for persons desiring assistance through the Loan Interest-Share Program.

PURPOSE: This rule is being rescinded because the Missouri Soil and Water Conservation Loan Interest-Share Program is no longer available. In 2009, the commission passed a motion to discontinue this program due to a lack of demand from agricultural producers for financial assistance to purchase no-till drills and planters. There have been no expenditures to this program since 2013.

AUTHORITY: section 278.080, RSMo 1986. This rule was previously filed as 10 CSR 70-5.110. Original rule filed July 12, 1985, effective Nov. 15, 1985. Amended: Filed Oct. 29, 1987, effective Feb. 17, 1988. Amended: Filed March 1, 1988, effective June 15, 1988. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC MEETING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Soil and Water Districts Commission, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public meeting is scheduled for March 5, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 70—Soil and Water Districts Commission
Chapter 7—State Loan Interest-Share Program**

PROPOSED RESCISSION

10 CSR 70-7.120 Design, Layout and Construction of Proposed Practices and Projects; Operation and Maintenance. This rule specified technical aspects and certification and establishes responsibility for operation and maintenance.

PURPOSE: This rule is being rescinded because the Missouri Soil and Water Conservation Loan Interest-Share Program is no longer available. In 2009, the commission passed a motion to discontinue this program due to a lack of demand from agricultural producers for financial assistance to purchase no-till drills and planters. There have been no expenditures to this program since 2013.

AUTHORITY: section 278.080, RSMo 1986. This rule was previously filed as 10 CSR 70-5.120. Original rule filed July 12, 1985, effective Nov. 15, 1985. Amended: Filed Oct. 29, 1987, effective Feb. 17, 1988. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC MEETING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Soil and Water Districts Commission, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public meeting is scheduled for March 5, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 70—Soil and Water Districts Commission
Chapter 7—State Loan Interest-Share Program**

PROPOSED RESCISSION

10 CSR 70-7.130 Loan Interest-Share Application; Eligibility of Costs; and Reimbursement Procedures. This rule established policies and procedures for the operation of the Loan Interest-Share Program.

PURPOSE: This rule is being rescinded because the Missouri Soil and Water Conservation Loan Interest-Share Program is no longer available. In 2009, the commission passed a motion to discontinue this program due to a lack of demand from agricultural producers for financial assistance to purchase no-till drills and planters. There have been no expenditures to this program since 2013.

AUTHORITY: section 278.080, RSMo 1986. This rule was previously filed as 10 CSR 70-5.130. Original rule filed July 12, 1985, effective Nov. 15, 1985. Amended: Filed Oct. 29, 1987, effective Feb. 17, 1988. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC MEETING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Soil and Water Districts Commission, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public meeting is scheduled for March 5, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 70—Soil and Water Districts Commission
Chapter 7—State Loan Interest-Share Program**

PROPOSED RESCISSION

10 CSR 70-7.140 District Administration of the Loan Interest-Share Program. This rule established commission guidelines for district administration and function in the Loan Interest-Share Program.

PURPOSE: This rule is being rescinded because the Missouri Soil and Water Conservation Loan Interest-Share Program is no longer available. In 2009, the commission passed a motion to discontinue this program due to a lack of demand from agricultural producers for

financial assistance to purchase no-till drills and planters. There have been no expenditures to this program since 2013.

AUTHORITY: section 278.080, RSMo 1986. This rule was previously filed as 10 CSR 70-5.140. Original rule filed July 12, 1985, effective Nov. 15, 1985. Amended: Filed Oct. 29, 1987, effective Feb. 17, 1988. Amended: Filed Nov. 15, 1991, effective April 9, 1992. Emergency amendment filed March 9, 1992, effective March 19, 1992, expired July 16, 1992. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC MEETING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Soil and Water Districts Commission, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public meeting is scheduled for March 5, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 70—Soil and Water Districts Commission
Chapter 7—State Loan Interest-Share Program**

PROPOSED RESCISSION

10 CSR 70-7.150 Process and Commission Administration of the Loan Interest-Share Program. This rule established guidelines for the administration of the Loan Interest-Share Program and the loan process.

PURPOSE: This rule is being rescinded because the Missouri Soil and Water Conservation Loan Interest-Share Program is no longer available. In 2009, the commission passed a motion to discontinue this program due to a lack of demand from agricultural producers for financial assistance to purchase no-till drills and planters. There have been no expenditures to this program since 2013.

AUTHORITY: section 278.080, RSMo 1986. This rule was previously filed as 10 CSR 70-5.150. Original rule filed July 12, 1985, effective Nov. 15, 1985. Amended: Filed Oct. 29, 1987, effective Feb. 17, 1988. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC MEETING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Soil and Water Districts Commission, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public meeting is scheduled for March 5, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 70—Soil and Water Districts Commission
Chapter 8—State Funded Special Area Land Treatment
(SALT) Program**

PROPOSED RESCISSION

10 CSR 70-8.010 Commission Administration of the SALT Program and Apportionment of SALT Funds. This rule established commission guidelines for the administration of the program and the allocation of funds available for the Missouri State Soil and Water Conservation SALT Program. One of the primary goals of the plan included the expansion of the SALT program to prevent water pollution caused by soil erosion and chemical runoff from agricultural land.

PURPOSE: This rule is being rescinded because the SALT Program is no longer available. The functions of this program have been combined with and made available through the regular cost-share program described in 10 CSR 70-5.

AUTHORITY: sections 278.070(4) and 278.110.8, RSMo 2000 and 278.080.5(9), RSMo Supp. 2001. Original rule filed Nov. 13, 2002, effective June 30, 2003. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC MEETING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Soil and Water Districts Commission, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public meeting is scheduled for March 5, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 70—Soil and Water Districts Commission
Chapter 8—State Funded Special Area Land Treatment
(SALT) Program**

PROPOSED RESCISSION

10 CSR 70-8.020 Application and Eligibility for SALT Cost-Share Funds. This rule established criteria and methods of application for landowners desiring funds from the Missouri Soil and Water Conservation SALT Program. One of the primary goals of the plan included the expansion of the SALT program to prevent water pollution caused by soil erosion and chemical runoff from agricultural land.

PURPOSE: This rule is being rescinded because the SALT Program is no longer available. The functions of this program have been combined with and made available through the regular cost-share program described in 10 CSR 70-5.

AUTHORITY: sections 278.070(4) and 278.110.8, RSMo 2000 and 278.080.5(9), RSMo Supp. 2001. Original rule filed Nov. 13, 2002, effective June 30, 2003. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the

aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC MEETING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Soil and Water Districts Commission, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public meeting is scheduled for March 5, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 70—Soil and Water Districts Commission
Chapter 8—State Funded Special Area Land Treatment
(SALT) Program**

PROPOSED RESCISSION

10 CSR 70-8.030 Design, Layout and Construction of SALT Proposed Practices; Operation and Maintenance. This rule specified technical aspects and certification, established responsibility of operation and maintenance and provided a method of modifying projects and practices. One of the primary goals of the plan included the expansion of the SALT program to prevent water pollution caused by soil erosion and chemical runoff from agricultural land.

PURPOSE: This rule is being rescinded because the SALT Program is no longer available. The functions of this program have been combined with and made available through the regular cost-share program described in 10 CSR 70-5.

AUTHORITY: sections 278.070(4) and 278.110.8, RSMo 2000 and 278.080.5(9), RSMo Supp. 2001. Original rule filed Nov. 13, 2002, effective June 30, 2003. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC MEETING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Soil and Water Districts Commission, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public meeting is scheduled for March 5, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 70—Soil and Water Districts Commission
Chapter 8—State Funded Special Area Land Treatment
(SALT) Program**

PROPOSED RESCISSION

10 CSR 70-8.040 SALT Cost-Share Rates and Reimbursement Procedures. This rule established SALT cost-share rates and reimbursement procedures. One of the primary goals of the plan included the expansion of the SALT program to prevent water pollution caused by soil erosion and chemical runoff from agricultural land.

PURPOSE: This rule is being rescinded because the SALT Program is no longer available. The functions of this program have been combined with and made available through the regular cost-share program described in 10 CSR 70-5.

AUTHORITY: section 278.080, RSMo Supp. 2007. Original rule filed Nov. 13, 2002, effective June 30, 2003. Amended: Filed June 3, 2008, effective Jan. 30, 2009. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC MEETING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Soil and Water Districts Commission, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public meeting is scheduled for March 5, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 70—Soil and Water Districts Commission
Chapter 8—State Funded Special Area Land Treatment
(SALT) Program**

PROPOSED RESCISSION

10 CSR 70-8.050 District Administration of the SALT Cost-Share Program. This rule established guidelines for the administration of the SALT Cost-Share Program by the participating districts. One of the primary goals of the plan included the expansion of the SALT program to prevent water pollution caused by soil erosion and chemical runoff from agricultural land.

PURPOSE: This rule is being rescinded because the SALT Program is no longer available. The functions of this program have been combined with and made available through the regular cost-share program described in 10 CSR 70-5.

AUTHORITY: sections 278.070(4) and 278.110.8, RSMo 2000 and 278.080.5(9), RSMo Supp. 2001. Original rule filed Nov. 13, 2002, effective June 30, 2003. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC MEETING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Soil and Water Districts Commission, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public meeting is scheduled for March 5, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 70—Soil and Water Districts Commission
Chapter 8—State Funded Special Area Land Treatment
(SALT) Program**

PROPOSED RESCISSION

10 CSR 70-8.060 Commission Administration of the SALT Cost-Share Program. This rule established guidelines for the administration of the SALT Cost Share Program by the commission. One of the primary goals of the plan included the expansion of the SALT program to prevent water pollution caused by soil erosion and chemical runoff from agricultural land.

PURPOSE: This rule is being rescinded because the SALT Program is no longer available. The functions of this program have been combined with and made available through the regular cost-share program described in 10 CSR 70-5.

AUTHORITY: sections 278.070(4) and 278.110.8, RSMo 2000 and 278.080(9), RSMo Supp. 2001. Original rule filed Nov. 13, 2002, effective June 30, 2003. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC MEETING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Soil and Water Districts Commission, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public meeting is scheduled for March 5, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 70—Soil and Water Districts Commission
Chapter 8—State Funded Special Area Land Treatment
(SALT) Program**

PROPOSED RESCISSION

10 CSR 70-8.070 Availability and Apportionment of SALT Loan Interest-Share Funds. This rule established commission guidelines for use and allocation of funds available to the Missouri Soil and Water Conservation SALT Loan Interest-Share Program. One of the primary goals of the plan included the expansion of the SALT program to prevent water pollution caused by soil erosion and chemical runoff from agricultural land.

PURPOSE: This rule is being rescinded because the SALT Program is no longer available. The functions of this program have been combined with and made available through the regular cost-share program described in 10 CSR 70-5.

AUTHORITY: sections 278.070(4) and 278.110.8, RSMo 2000 and 278.080.5(9), RSMo Supp. 2001. Original rule filed Nov. 13, 2002, effective June 30, 2003. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC MEETING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Soil and Water Districts Commission, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public meeting is scheduled for March 5, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 70—Soil and Water Districts Commission
Chapter 8—State Funded Special Area Land Treatment
(SALT) Program**

PROPOSED RESCISSION

10 CSR 70-8.080 Application and Eligibility for SALT Loan Interest-Share Funds. This rule established criteria and methods of application for persons desiring assistance through the Loan Interest-Share Program. One of the primary goals of the plan included the expansion of the SALT program to prevent water pollution caused by soil erosion and chemical runoff from agricultural land.

PURPOSE: This rule is being rescinded because the SALT Program is no longer available. The functions of this program have been combined with and made available through the regular cost-share program described in 10 CSR 70-5.

AUTHORITY: sections 278.070(4) and 278.110.8, RSMo 2000 and 278.080.5(9), RSMo Supp. 2001. Original rule filed Nov. 13, 2002, effective June 30, 2003. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC MEETING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Soil and Water Districts Commission, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public meeting is scheduled for March 5, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 70—Soil and Water Districts Commission
Chapter 8—State Funded Special Area Land Treatment
(SALT) Program**

PROPOSED RESCISSION

10 CSR 70-8.090 Design, Layout and Construction of Proposed Water Quality Practices and Projects; Operation and Maintenance for SALT Loan Interest-Share. This rule specified technical aspects and certification, and established responsibility for operation and maintenance. One of the primary goals of the plan included the expansion of the SALT program to prevent water pollution caused by soil erosion and chemical runoff from agricultural land.

PURPOSE: This rule is being rescinded because the SALT Program is no longer available. The functions of this program have been combined with and made available through the regular cost-share program described in 10 CSR 70-5.

AUTHORITY: sections 278.070(4), and 278.110.8, RSMo 2000 and 278.080.5(9), RSMo Supp. 2001. Original rule filed Nov. 13, 2002, effective June 30, 2003. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC MEETING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Soil and Water Districts Commission, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public meeting is scheduled for March 5, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 70—Soil and Water Districts Commission
Chapter 8—State Funded Special Area Land Treatment
(SALT) Program**

PROPOSED RESCISSION

10 CSR 70-8.100 SALT Loan Interest-Share Application; Eligibility of Costs; and Reimbursement Procedures. This rule established policies and procedures for the operation of the SALT Loan Interest-Share Program. One of the primary goals of the plan included the expansion of the SALT program to prevent water pollution caused by soil erosion and chemical runoff from agricultural land.

PURPOSE: This rule is being rescinded because the SALT Program is no longer available. The functions of this program have been combined with and made available through the regular cost-share program described in 10 CSR 70-5.

AUTHORITY: sections 278.070(4) and 278.110.8, RSMo 2000 and 278.080.5(9), RSMo Supp. 2001. Original rule filed Nov. 13, 2002, effective June 30, 2003. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC MEETING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Soil and Water Districts Commission, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public meeting is scheduled for March 5, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 70—Soil and Water Districts Commission
Chapter 8—State Funded Special Area Land Treatment
(SALT) Program

PROPOSED RESCISSION

10 CSR 70-8.110 District Administration of the SALT Loan Interest-Share Program. This rule established commission guidelines for district administration and function in the SALT Loan Interest-Share Program. One of the primary goals of the plan included the expansion of the SALT program to prevent water pollution caused by soil erosion and chemical runoff from agricultural land.

PURPOSE: This rule is being rescinded because the SALT Program is no longer available. The functions of this program have been combined with and made available through the regular cost-share program described in 10 CSR 70-5.

AUTHORITY: sections 278.070(4) and 278.110.8, RSMo 2000 and 278.080.5(9), RSMo Supp. 2001. Original rule filed Nov. 13, 2002, effective June 30, 2003. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC MEETING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Soil and Water Districts Commission, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public meeting is scheduled for March 5, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 70—Soil and Water Districts Commission
Chapter 8—State Funded Special Area Land Treatment
(SALT) Program

PROPOSED RESCISSION

10 CSR 70-8.120 Process and Commission Administration of the SALT Loan Interest-Share Program. This rule established guidelines for the administration of the SALT Loan Interest-Share Program; and the process. One of the primary goals of the plan included the expansion of the SALT program to prevent water pollution caused by soil erosion and chemical runoff from agricultural land.

PURPOSE: This rule is being rescinded because the SALT Program is no longer available. The functions of this program have been combined with and made available through the regular cost-share program described in 10 CSR 70-5.

AUTHORITY: sections 278.070(4) and 278.110.8, RSMo 2000 and 278.080.5(9), RSMo Supp. 2001. Original rule filed Nov. 13, 2002, effective June 30, 2003. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC MEETING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Soil and Water Districts Commission, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public meeting is scheduled for March 5, 2018, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 80—Solid Waste Management
Chapter 1—Organization

PROPOSED RESCISSION

10 CSR 80-1.010 General Organization. The department will adopt one organizational rule describing “its organization and general courses and methods of its operation and the methods and procedures whereby the public may obtain information or make submissions or requests,” as required by section 536.023, RSMo. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources’ Solid Waste Management Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources’ Proposed Rules website www.dnr.mo.gov/proposed-rules.

PURPOSE: This rule is being rescinded because it is no longer necessary.

AUTHORITY: section 260.225, RSMo Supp. 1990. Original rule filed June 14, 1976, effective Oct. 11, 1976. Amended: Filed May 3, 1993, effective Jan. 13, 1994. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed recession with the Missouri Department of Natural Resources, 1101 Riverside Drive, Jefferson City, Missouri. To be considered, comments will be received from February 3, 2018 until March 12, 2018. A public hearing is scheduled for 1:00 pm until 4:00 pm. March 5, 2018, at the LaCharrette Conference Room, 1101 Riverside Drive, Jefferson City, Missouri.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 80—Solid Waste Management
Chapter 2—General Provisions

PROPOSED RESCISSION

10 CSR 80-2.050 Suspension of Permits. This rule authorized the department to suspend a permit, pursuant to section 260.205.11, RSMo. This rule is duplicative of section 260.205.16, RSMo, and unnecessary. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources’ Solid Waste Management Program at the address

listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website www.dnr.mo.gov/proposed-rules.

PURPOSE: *This rule is being rescinded because it is duplicative of statute.*

AUTHORITY: *section 260.255, RSMo Supp. 1990. Original rule filed Jan. 29, 1988, effective Aug. 1, 1988. Rescinded: Filed Dec. 29, 2017.*

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Natural Resources, 1101 Riverside Drive, Jefferson City, Missouri. To be considered, comments will be received from February 3, 2018 until March 12, 2018. A public hearing is scheduled for 1:00 pm until 4:00 pm. March 5, 2018, at the LaCharrette Conference Room, 1101 Riverside Drive, Jefferson City, Missouri.*

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 80—Solid Waste Management Chapter 2—General Provisions

PROPOSED RESCISSION

10 CSR 80-2.060 Certified Solid Waste Technician. This rule established requirements for certified solid waste technicians as authorized by section 260.205.8, RSMo. The relevance of the landfill certified operator training rule is diminishing over time as landfill operators have an ever-growing variety of state and federal training courses available. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Solid Waste Management Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website www.dnr.mo.gov/proposed-rules.

PURPOSE: *This rule is being rescinded because it is no longer effective at accomplishing its purpose.*

AUTHORITY: *section 260.255, RSMo Supp. 1990. Original rule filed Jan. 29, 1988, effective Aug. 1, 1988. Rescinded: Filed Dec. 29, 2017.*

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Natural Resources, 1101 Riverside Drive, Jefferson City, Missouri. To be considered, comments will be received from February 3, 2018 until March 12, 2018. A public hearing is scheduled for 1:00 pm until 4:00 pm. March 5, 2018, at the LaCharrette Conference Room, 1101 Riverside Drive, Jefferson City, Missouri.*

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 80—Solid Waste Management Chapter 2—General Provisions

PROPOSED RESCISSION

10 CSR 80-2.070 Violation History. This rule described the conditions under which a construction permit for a solid waste processing facility or solid waste disposal area would not be issued or an operating permit should be revoked based on the violation history of the owner or operator. This rule also describes the documentation and annual updates required to be submitted to the department by the applicant or permittee. There is no federal requirement for this regulation and its effectiveness and purpose has diminished over time. The department will also recommend that statutory changes are made to fully remove this requirement from law. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Solid Waste Management Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website www.dnr.mo.gov/proposed-rules.

PURPOSE: *This rule is being rescinded because it is no longer effective at accomplishing its purpose.*

AUTHORITY: *sections 260.205, 260.207, 260.225 and 260.241, RSMo Supp. 1996. Original rule filed Feb. 15, 1989, effective Aug. 11, 1989. For intervening history, please consult the Code of State Regulations. Rescinded: Filed Dec. 29, 2017.*

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Natural Resources, 1101 Riverside Drive, Jefferson City, Missouri. To be considered, comments will be received from February 3, 2018 until March 12, 2018. A public hearing is scheduled for 1:00 pm until 4:00 pm. March 5, 2018, at the LaCharrette Conference Room, 1101 Riverside Drive, Jefferson City, Missouri.*

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 80—Solid Waste Management Chapter 8—Scrap Tires

PROPOSED RESCISSION

10 CSR 80-8.060 Scrap Tire End-User Facility Registrations. This rule contained the requirements for scrap tire end-user facility registrations. This rulemaking will rescind an obsolete and unnecessary rule. Department experience has shown that scrap tire end user facilities have minimal impact on human health and the environment. Section 260.270.3, RSMo, requires the department to "promulgate rules and regulations pertaining to collection, storage and processing and transportation of scrap tires." Specific to this requirement is section 260.270.3(5), RSMo, which states that "Required record keeping shall include the source and the number or weight of tires received and the destination and number of tires or weight of tire pieces shipped or otherwise disposed of and such records shall be maintained for at least three years following the end of the calendar year activity". The department would recommend statutory changes

to rescind these record keeping requirements related to end user facilities in their entirety. However, as an interim step the department plans to move the statutorily applicable record keeping requirements to 10 CSR 80-8.020 and rescind the remaining obsolete and unnecessary requirements contained in 10 CSR 80-8.060. There is little benefit to the department, regulated entities, the public, or the economy to continue to maintain a separate regulation for scrap tire end user facilities. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Solid Waste Management Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website www.dnr.mo.gov/proposed-rules.

PURPOSE: *This rule is being rescinded because it is obsolete and unnecessary.*

AUTHORITY: *sections 260.225, RSMo 2000 and 260.270, RSMo Supp. 2006. Original rule filed April 16, 1997, effective Dec. 30, 1997. Amended: Filed Jan. 2, 2007, effective Sept. 30, 2007. Rescinded: Filed Dec. 29, 2017.*

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Natural Resources, 1101 Riverside Drive, Jefferson City, Missouri. To be considered, comments will be received from February 3, 2018 until March 12, 2018. A public hearing is scheduled for 1:00 pm until 4:00 pm. March 5, 2018, at the LaCharrette Conference Room, 1101 Riverside Drive, Jefferson City, Missouri.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 80—Solid Waste Management
Chapter 9—Solid Waste Management Fund**

PROPOSED RESCISSION

10 CSR 80-9.040 Solid Waste Management Fund—Financial Assistance for Waste Reduction and Recycling Projects. This rule contained procedures and provisions to provide financial assistance for solid waste management projects to any district, county, or city of the state or to any other person or entity involved in waste reduction or recycling as provided for in section 260.335.2(5), RSMo. Passage of SB225 in 2005 terminated the Waste Reduction and Recycling Project grants and loans program by rescinding the statutory language authorizing the program and the rule in section 260.335.2. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Solid Waste Management Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website www.dnr.mo.gov/proposed-rules.

PURPOSE: *This rule is being rescinded as the program no longer exists.*

AUTHORITY: *sections 260.225 and 260.335, RSMo Supp. 1999. Emergency rule filed Aug. 4, 1992, effective Oct. 1, 1992, expired Jan. 28, 1993. Original rule filed Aug. 4, 1992, effective April 8,*

1993. Amended: Filed Dec. 14, 1999, effective Aug. 30, 2000. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Natural Resources, 1101 Riverside Drive, Jefferson City, Missouri. To be considered, comments will be received from February 3, 2018 until March 12, 2018. A public hearing is scheduled for 1:00 pm until 4:00 pm. March 5, 2018, at the LaCharrette Conference Room, 1101 Riverside Drive, Jefferson City, Missouri.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 80—Solid Waste Management
Chapter 10—Statewide Solid Waste Management**

PROPOSED RESCISSION

10 CSR 80-10.040 Target Recycled Content Newsprint. This rule described procedures used to demonstrate that the target recycled content usage goals of newsprint are obtained or waived as provided in section 260.255.2, RSMo. This rule is no longer necessary with the signing of HB1251 in 2012 which repealed 260.255, RSMo which required the collection of information on recycled content newsprint from newspapers. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Solid Waste Management Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website www.dnr.mo.gov/proposed-rules.

PURPOSE: *This rule is being rescinded as the underlying statutory requirements were repealed.*

AUTHORITY: *section 260.255.2, RSMo Supp. 1990. Original rule filed Sept. 15, 1992, effective June 7, 1993. Rescinded: Filed Dec. 29, 2017.*

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Natural Resources, 1101 Riverside Drive, Jefferson City, Missouri. To be considered, comments will be received from February 3, 2018 until March 12, 2018. A public hearing is scheduled for 1:00 pm until 4:00 pm. March 5, 2018, at the LaCharrette Conference Room, 1101 Riverside Drive, Jefferson City, Missouri.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 90—State Parks
Chapter 1—Organization and Description**

PROPOSED RESCISSION

10 CSR 90-1.010 General Organization. This rule was necessary to

comply with section 536.023, RSMo (1986) which requires each agency to adopt as a rule a description of its operation and the methods where the public may obtain information or make submissions or requests.

PURPOSE: This rule is being rescinded as the information will be included in the Department of Natural Resources rule to describe its operation and methods where the public may obtain information or make submissions or requests.

AUTHORITY: section 253.035, RSMo 1986. Original rule filed June 14, 1976, effective Nov. 11, 1976. Amended: Filed Sept. 8, 1981, effective Dec. 11, 1981. Amended: Filed March 18, 1987, effective July 23, 1987. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Missouri Department of Natural Resources, Division of State Parks, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for March 5, 2018; 1 p.m.; Lewis and Clark State Office Building, 1101 Riverside Dr., Jefferson City, MO.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 90—State Parks
Chapter 2—State Parks Administration**

PROPOSED RESCISSION

10 CSR 90-2.060 Outdoor Education Center. This rule established the procedures, fees and limitations of this facility to provide persons with disabilities the opportunity to enjoy the recreational activities afforded other segments of the general public.

PURPOSE: This rule is being rescinded as management of the Outdoor Education Center is now through a contract with Rockwood School District.

AUTHORITY: section 253.035, RSMo 2000. This version filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed June 10, 1981, effective Sept. 11, 1981. Amended: Filed March 18, 1987, effective July 23, 1987. Rescinded and readopted: Filed Oct. 26, 2000, effective June 30, 2001. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Missouri Department of Natural Resources, Division of State Parks, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for March 5, 2018; 1 p.m.; Lewis and Clark State Office Building, 1101 Riverside Dr., Jefferson City, MO.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 90—State Parks
Chapter 3—Historic Preservation**

PROPOSED RESCISSION

10 CSR 90-3.050 Definitions—Grants. This rule provided definitions for regulations pertaining to the administration of federal Historic Preservation Fund Grants.

PURPOSE: This rule is being rescinded because it exists to explain language referenced in three (3) following rules that also are proposed for rescission, 10 CSR 90-3.060 to 10 CSR 90-3.080. There is no need for the definitions rule if the associated rules are removed.

AUTHORITY: section 253.035, RSMo Supp. 1993. Emergency rule filed April 15, 1994, effective April 25, 1994, expired Aug. 13, 1994. Original rule filed April 15, 1994, effective Nov. 30, 1994. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Toni Prawl, State Historic Preservation Office, PO Box 176, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for March 5, 2018, at 1:00 pm, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 90—State Parks
Chapter 3—Historic Preservation**

PROPOSED RESCISSION

10 CSR 90-3.060 Development of Grant Priorities. This rule provided guidelines for the development of grant priorities for the annual Historic Preservation Fund Grants.

PURPOSE: This rule is being rescinded because federal laws and regulations (such as the National Historic Preservation Act, 36 CFR 61 and 2 CFR 200, chiefly), and The HPF Grant Manual (https://www.nps.gov/preservation-grants/HPF_Manual.pdf) govern the use of these federal funds, therefore this state rule is not necessary. Implemented in 2014, 2 CFR 200, is the current source of guidance regarding federal grant procedures, whereas this rule contains obsolete references to antiquated practices that are no longer in effect.

AUTHORITY: section 253.035, RSMo Supp. 1993. Emergency rule filed April 15, 1994, effective April 25, 1994, expired Aug. 13, 1994. Original rule filed April 15, 1994, effective Nov. 30, 1994. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Toni Prawl, State Historic Preservation Office, PO Box 176, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for March 5, 2018, at 1:00 pm, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 90—State Parks
Chapter 3—Historic Preservation**

PROPOSED RESCISSION

10 CSR 90-3.070 Procedures for Open Selection of Historic Preservation Fund Grant Projects. This rule provided procedures for ensuring the open selection of Historic Preservation Fund Grant projects.

PURPOSE: This rule is being rescinded because federal laws and regulations (such as the National Historic Preservation Act, 36 CFR 61 and 2 CFR 200, chiefly), and The HPF Grant Manual (https://www.nps.gov/preservation-grants/HPF_Manual.pdf) govern the use of these federal funds, therefore this state rule is not necessary. Implemented in 2014, 2 CFR 200, is the current source of guidance regarding federal grant procedures, whereas this rule contains obsolete references to antiquated practices that are no longer in effect.

AUTHORITY: section 253.035, RSMo Supp. 1993. Emergency rule filed April 15, 1994, effective April 25, 1994, expired Aug. 13, 1994. Original rule filed April 15, 1994, effective Nov. 30, 1994. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Toni Prawl, State Historic Preservation Office, PO Box 176, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for March 5, 2018, at 1:00 pm, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 90—State Parks
Chapter 3—Historic Preservation**

PROPOSED RESCISSION

10 CSR 90-3.080 Procedures for the Awarding of Historic Preservation Fund Grants. This rule provided procedures describing the awarding of Historic Preservation Fund Grants.

PURPOSE: This rule is being rescinded because federal laws and regulations (such as the National Historic Preservation Act, 36 CFR 61 and 2 CFR 200, chiefly), and The HPF Grant Manual (https://www.nps.gov/preservation-grants/HPF_Manual.pdf) govern

the use of these federal funds, therefore this state rule is not necessary.

AUTHORITY: section 253.035, RSMo Supp. 1993. Emergency rule filed April 15, 1994, effective April 25, 1994, expired Aug. 13, 1994. Original rule filed April 15, 1994, effective Nov. 30, 1994. Rescinded: Filed Dec. 29, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Natural Resources, Toni Prawl, State Historic Preservation Office, PO Box 176, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for March 5, 2018, at 1:00 pm, at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO 65101.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RESCISSION

12 CSR 10-23.130 Legal Name on Title Application. This rule set forth requirements related to using full legal name when making application for a motor vehicle or trailer certificate of title.

PURPOSE: This rule is being rescinded because it lacks substantive value and the department lacks rulemaking authority as required by section 536.014, RSMo. In order to be enforceable, a party will title a vehicle in its proper name, whether that be an individual or a business using a trade name.

AUTHORITY: section 301.190, RSMo 1986. Original rule filed Feb. 3, 1984, effective May 11, 1984. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RESCISSION

12 CSR 10-23.140 Motor Vehicle Title Services. This rule established title service agent registration requirements.

PURPOSE: This rule is being rescinded because it is unnecessary and the department lacks rulemaking authority as required by section 536.014, RSMo. The regulation of title service agents is governed by sections 301.112 through 301.119, RSMo.

AUTHORITY: section 301.114, RSMo 1986. Original rule filed Sept. 10, 1984, effective Jan. 12, 1985. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RESCISSION

12 CSR 10-23.150 Administrative Hearing Held Pursuant to Section 301.119, RSMo. This rule established the procedures that were utilized by the director and title service agents for compliance with section 301.119, RSMo.

PURPOSE: This rule is being rescinded because the department lacks rulemaking authority as required by section 536.014, RSMo. Section 301.119, RSMo provides the department with the authority to revoke or suspend the license of a title service agent, but does not provide rulemaking authority to do so. Any appeal of the department's decision will be held at the Administrative Hearing Commission in accordance with section 621.050, RSMo.

AUTHORITY: section 301.119, RSMo 1986. Original rule filed Sept. 10, 1984, effective Jan. 12, 1985. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RESCISSION

12 CSR 10-23.230 Legal Sale of Motor Vehicle or Trailer. This rule clarified that the form of warranty prescribed by the director of

revenue for assignments of title to motor vehicles did not require acknowledgment of the transferor's signature by a notary public. In addition, this rule clarified that assignments of title which did not include a notarial acknowledgment of the transferor's signature, were not procedurally defective.

PURPOSE: This rule is being rescinded because it lacks substantive value and the department lacks rulemaking authority as required by section 536.014, RSMo. Section 301.210, RSMo does not require a notarized signature by the transferor of a motor vehicle. Repeating this in an administrative rule is unnecessary.

AUTHORITY: section 301.210, RSMo 1986. Original rule filed March 3, 1986, effective June 28, 1986. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RESCISSION

12 CSR 10-23.250 Registration and Classification of Commercial Motor Vehicles. This rule set forth the requirements for the registration and classification of commercial motor vehicles.

PURPOSE: This rule is being rescinded because it is duplicative and the department lacks rulemaking authority as required by section 536.014, RSMo. Section 301.010(8), RSMo already defines the term Commercial Motor Vehicle.

AUTHORITY: sections 301.010, 301.020 and 301.030, RSMo 1986. Original rule filed March 3, 1986, effective June 28, 1986. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RESCISSION

12 CSR 10-23.265 Statements of Non-Interest. This rule set forth the requirements to retitle when an assignment of title is erroneously completed.

PURPOSE: This rule is being rescinded because it is unnecessary. Sections 301.190 and 301.210, RSMo govern the issuance and regulation of certificates of registration for vehicles. The rule describes the procedure for retitling a vehicle when an assignment of title is erroneously completed. The statutes outline the procedure making the rule unnecessary.

AUTHORITY: sections 301.190, and 301.210, RSMo Supp. 1998. Original rule filed March 21, 1986, effective July 26, 1986. Amended: Filed June 30, 1999, effective Dec. 30, 1999. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RESCISSION

12 CSR 10-23.300 Use of Local Commercial Motor Vehicle License Plates for Farm or for Farming Transportation Operations. This rule set forth the manner of the use of local commercial motor vehicle license plates issued to motor vehicles used for farm or farming transportation operations.

PURPOSE: This rule is being rescinded because it is unnecessary and department lacks rulemaking authority as required by section 536.014, RSMo. Section 301.030.3, RSMo already describes the license plate requirements for a local commercial vehicle making the rule unnecessary.

AUTHORITY: section 301.030, RSMo 2000. Original rule filed June 9, 1986, effective Sept. 26, 1986. Amended: Filed June 24, 2003, effective Dec. 30, 2003. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the

Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RESCISSION

12 CSR 10-23.315 Motorized Bicycles. This rule clarified titling, registration, use, and regulation of motorized bicycles.

PURPOSE: This rule is being rescinded because it is unnecessary and the department lacks rulemaking authority as required by section 536.014, RSMo. Section 301.010(37) already defines motorized bicycle and section 301.010(70) specifically excludes motorized bicycles from the definition of "vehicle." Thus, motorized bicycles are not required to be titled or registered as they are not "vehicles" under Missouri law.

AUTHORITY: sections 301.010, 301.020, 302.020, 307.195, RSMo Supp. 1989, 301.190, RSMo Supp. 1990 and 307.190 and 307.193, RSMo 1986. Original rule filed June 10, 1986, effective Sept. 26, 1986. Amended: Filed Oct. 30, 1989, effective Feb. 25, 1990. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RESCISSION

12 CSR 10-23.325 Transfer of Passenger Vehicle License Plates From One Horsepower Category to Another—Waiver of Additional Registration Fees and Lack of Refund Provision. This rule clarified when a license plate transfer fee would be assessed.

PURPOSE: This rule is being rescinded because it is unnecessary. The fees associated with the transfer of vehicle license plates are already addressed by sections 301.140.2 and 301.140.3, RSMo.

AUTHORITY: section 301.140, RSMo Supp. 1987. Original rule filed July 25, 1986, effective Nov. 28, 1986. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RESCISSION

12 CSR 10-23.330 Registration of Motorcycles or Motortricycles. This rule clarified the procedures for issuance of motorcycle or motortricycle license plates.

PURPOSE: This rule is being rescinded because it is unnecessary and the department lacks rulemaking authority as required by section 536.014, RSMo. Section 301.055, RSMo already quantifies the annual registration fees and section 301.080, RSMo allows for the prorating of fees.

AUTHORITY: sections 301.055 and 301.080, RSMo 2000. Original rule filed July 25, 1986, effective Nov. 28, 1986. Amended: Filed June 24, 2003, effective Dec. 30, 2003. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RESCISSION

12 CSR 10-23.335 Issuance of Title to a Surviving Spouse or Unmarried Minor Children of a Decedent. This rule clarified the issuance of an original certificate of ownership to one automobile or other passenger motor vehicle to a surviving spouse, if any, or to surviving unmarried minor children in equal shares.

PURPOSE: This rule is being rescinded because it is unnecessary and the department lacks rulemaking authority as required by section 536.014, RSMo. Section 301.682, RSMo, already provides for this procedure.

AUTHORITY: section 474.250, RSMo 2000. Original rule filed July 25, 1986, effective Nov. 28, 1986. Amended: Filed July 17, 1989, effective Oct. 27, 1989. Amended: Filed Sept. 16, 2004, effective March 30, 2005. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RESCISSION

12 CSR 10-23.355 Junking Certificates for Motor Vehicles. This rule established the procedures for issuance of a junking certificate.

PURPOSE: This rule is being rescinded because it is unnecessary. Section 301.227, RSMo already describes the requirements for obtaining a junking certificate.

AUTHORITY: section 301.227, RSMo Supp. 1990. Original rule filed Nov. 18, 1986, effective March 12, 1987. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RESCISSION

12 CSR 10-23.432 Registration of a Motor Vehicle or Trailer Subject to a Lease With a Right to Purchase Clause. This rule clarified the requirements for and the issuance of registration by the Department of Revenue in certain situations for motor vehicles or trailers which are the subjects of leases which contain a right to purchase clause.

PURPOSE: This rule is being rescinded because it is unnecessary and the department lacks rulemaking authority as required by section 536.014, RSMo. Section 301.010(43), RSMo defines "Owner" to include both the holder of legal title and the lessee with a future potential to purchase.

AUTHORITY: sections 301.010 and 301.190, RSMo Supp. 1992. Original rule filed April 16, 1993, effective Oct. 10, 1993. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RESCISSION

12 CSR 10-23.434 Use of a Reassignment of Ownership by Registered Dealer Form. This rule clarified who may use a Reassignment of Ownership by Registered Dealer (Rider) Form and when the form could be used.

PURPOSE: This rule is being rescinded because it is unnecessary and the department lacks rulemaking authority as required by section 536.014, RSMo. Section 301.200, RSMo addresses the assignments of certificates of ownership between dealers. These department forms are already used and do not need to be specifically included in a separate rule.

AUTHORITY: section 301.200, RSMo 1986. Emergency rule filed July 30, 1993, effective Aug. 9, 1993, expired Dec. 6, 1993. Original rule filed July 30, 1993, effective Jan. 31, 1994. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RESCISSION

12 CSR 10-23.452 Internet Renewal of License Plates. This rule allowed Missouri citizens to renew their Missouri license plates via the Missouri On-Line Registration Exchange, Missouri Internet Vehicle Registration Renewal System, by using a Personal Identification Number.

PURPOSE: This rule is being rescinded because it is obsolete and unnecessary. The department has already implemented the system described by the rule pursuant to section 32.300, RSMo.

AUTHORITY: section 32.300, RSMo 2000. Original rule filed June 7, 2001, effective Dec. 30, 2001. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RESCISSION

12 CSR 10-23.454 Electric Personal Assistive Mobility Device (EPAMD). This rule gave the definition, titling, and registration requirements of an Electric Personal Assistive Mobility Device (EPAMD).

PURPOSE: This rule is being rescinded because it is unnecessary and the department lacks rulemaking authority pursuant to section 536.014, RSMo. EPAMDs are already regulated pursuant to sections 307.205 through 307.211, RSMo.

AUTHORITY: sections 301.010 and 301.190, RSMo 2000 and 307.205, RSMo Supp. 2002. Original rule filed Aug. 23, 2002, effective Feb. 28, 2003. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RESCISSION

12 CSR 10-23.456 Marine Application for Title. This rule clarified when the Application for Missouri Watercraft or Outboard Motor Title and Registration had to be used.

PURPOSE: This rule is being rescinded because it is unnecessary. Sections 306.015 and 306.030, RSMo describe the registration requirements for a Vessel, which includes any watercraft. Additionally, sections 306.530 through 306.575, RSMo describe the registration requirements of Outboard Motors.

AUTHORITY: sections 306.400 and 306.410, RSMo Supp. 2003. Original rule filed May 22, 2003, effective Dec. 30, 2003. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RESCISSION

12 CSR 10-23.458 Documents Accepted as a Release of Lien. This rule clarified what documents are acceptable to the Department of Revenue to release a lien on a motor vehicle, trailer, all-terrain vehicle, outboard motor, vessel, or manufactured home.

PURPOSE: This rule is being rescinded because it is obsolete and unnecessary. The relevant statutes regarding the release of liens set forth the applicable requirements. Sections 301.640 (motor vehicle and trailers) 306.420, RSMo, Additionally, the department is now accepting electronic signatures pursuant to section 301.644 which makes this rule obsolete.

AUTHORITY: sections 301.640, 306.410, 306.420 and 700.370, RSMo Supp. 2003. Original rule filed June 24, 2003, effective Dec. 30, 2003. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules**

PROPOSED RESCISSION

12 CSR 10-24.010 Form Filing. This rule provided a form for judicial officers and law enforcement to use as a receipt for a Missouri driver license accepted in lieu of bail.

PURPOSE: This rule is being rescinded because the form is no longer in use and is unnecessary. Section 544.045, RSMo outlines the procedure for surrendering a license in lieu of bail or other security. This procedure is disfavored pursuant to section 544.046, RSMo and this statute does not provide rulemaking authority to the department as required by section 536.014, RSMo.

AUTHORITY: section 544.045, RSMo 1994. Original rule filed May 28, 1975, effective June 7, 1975. Amended: Filed Oct. 22, 1997, effective April 30, 1998. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules**

PROPOSED RESCISSION

12 CSR 10-24.020 Trial De Novo Procedures and Parties. This rule provided the proper procedures and parties necessary for a trial de novo in the circuit court following an administrative hearing sustaining the suspension or revocation of a person's driving privilege.

PURPOSE: This rule is being rescinded because the subject matter is addressed by section 302.535, RSMo. Therefore, the rule is duplicative and unnecessary.

AUTHORITY: sections 302.530 RSMo 2000 and 302.525 and 302.535, RSMo Supp. 2002. Original rule filed Feb. 3, 1984, effective May 11, 1984. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules**

PROPOSED RESCISSION

12 CSR 10-24.040 Completion Requirement for Driving While Intoxicated (DWI) Rehabilitation Program. This rule provided the procedure for a driver to complete a rehabilitation program after an arrest for driving while intoxicated or driving with excessive blood alcohol content and established standards for judging whether a program is comparable to Substance Abuse Traffic Offender Programs.

PURPOSE: This rule is being rescinded because it is unnecessary

and the department lacks rulemaking authority as required by section 536.014, RSMo. Sections 302.304 (Points Suspension and SATOP), 302.420 (Supplemental Fee for SATOP), 302.425 (SATOP for persons under twenty one years of age), 302.540 (Reinstatement of License), and 302.580 (SATOP after DWI finding of guilt), RSMo address the various situations when a DWI Rehabilitation Program is required in order to reinstate a driver's license. Further, the Department of Mental Health regulates the content and requirements of any program.

AUTHORITY: sections 302.304, 302.540 and 577.041, RSMo Supp. 2003 and 302.342, RSMo 2000. Original rule filed Jan. 15, 1985, effective June 13, 1985. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules**

PROPOSED RESCISSION

12 CSR 10-24.070 License Issuance Procedures and One License Concept of the Drivers License Compact. This rule established the one license concept for any person applying for a Missouri driver license.

PURPOSE: This rule is being rescinded because it lacks substantive value and is duplicative. Section 302.600, RSMo, the Driver License Compact, requires an applicant for a Missouri license to surrender any license issued by another state. Further, the graduated licensing system and intermediate license issuance is addressed by section 302.178, RSMo.

AUTHORITY: sections 302.010, 302.301 and 302.720, RSMo Supp. 1999 and 302.015 and 302.600, RSMo 1994. Original rule filed Sept. 1, 1986, effective Nov. 28, 1986. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules**

PROPOSED RESCISSION

12 CSR 10-24.100 Driver License Procedures for Persons Under the Age of Twenty-One. This rule established procedures for the issuance of a driver license to people under the age of twenty-one (21).

PURPOSE: This rule is being rescinded because it no longer has substantive or procedural value. The form of the driver license issued by the department is addressed in section 302.181, RSMo.

AUTHORITY: section 302.181, RSMo Supp. 1999. Emergency rule filed Jan. 5, 1987, effective Jan. 15, 1987, expired May 15, 1987. Original rule filed Jan. 5, 1987, effective April 11, 1987. Amended: Filed Dec. 11, 1991, effective April 9, 1992. Amended: Filed May 31, 2000, effective Nov. 30, 2000. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules**

PROPOSED RESCISSION

12 CSR 10-24.404 Commercial Drivers License Reciprocity. This rule established requirements for accepting out-of-state test results for a commercial drivers license.

PURPOSE: This rule is being rescinded because it is duplicative and has no substantive or procedural value. Commercial driver's licenses are regulated by the Uniform Commercial Driver's License Act, section 302.700 et. seq.

AUTHORITY: section 302.720, RSMo Supp. 1997. Emergency rule filed Sept. 16, 1991, effective Sept. 26, 1991, expired Jan. 23, 1992. Original rule filed Sept. 16, 1991, effective Jan. 13, 1992. Amended: Filed Dec. 15, 1998, effective June 30, 1999. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments

must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules**

PROPOSED RESCISSION

12 CSR 10-24.428 Excessive Speed Defined. This rule defined the term “excessive speed” for the purpose of commercial motor vehicle disqualifications.

PURPOSE: This rule is being rescinded because it is unnecessary and no longer has any substantive value. The regulation of commercial driver’s licenses is found in the Uniform Commercial Driver’s License Act, section 302.700 et seq. Specifically, section 302.700.2(42)(a), RSMo defines a Serious Traffic Violation to include Excessive Speeding as that term is defined by the Secretary of Transportation of the United States. The Secretary of Transportation of the United States has interpreted speeding of over fifteen (15) miles per hour as a Serious Traffic Offense, 49 CFR Section 383.51 (Table 2). There is no need to include a separate rule when the definition is already incorporated by reference into the statute.

AUTHORITY: sections 302.700, RSMo Supp. 2004 and 302.755 and 302.765, RSMo 2000. Original rule filed July 21, 1994, effective Jan. 29, 1995. Amended: Filed Aug. 11, 1995, effective Feb. 25, 1996. Amended: Filed April 11, 2005, effective Oct. 30, 2005. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel’s Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules**

PROPOSED RESCISSION

12 CSR 10-24.438 Department of Revenue not Designated as an Election Official. This rule clarified that the Department of Revenue is not an election official.

PURPOSE: This rule is being rescinded because the department lacks rulemaking authority as required by section 536.014, RSMo. Section 115.160.3, RSMo establishes the secretary of state as the chief state election official. The rulemaking authority granted to the department is limited to adopting rules and regulations pertaining to the format of the voter registration application after conferring with the secretary of state. This form is established by 12 CSR 10-24.440.

AUTHORITY: section 115.160, RSMo 1994. Original rule filed Dec. 22, 1994, effective June 30, 1995. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel’s Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules**

PROPOSED RESCISSION

12 CSR 10-24.460 Driver’s Privacy Protection Act. This rule clarified the term “express consent” as that term relates to the Federal Driver’s Privacy Protection Act and sections 32.090 and 32.091.

PURPOSE: This rule is being rescinded because it is unnecessary and the department lacks rulemaking authority as required by section 536.014, RSMo. The term “express consent” is defined under the applicable law, including the Federal Driver’s Privacy Protection Act, 18 U.S. Code Section 2725.

AUTHORITY: section 32.091, RSMo Supp. 1999. Original rule filed May 31, 2000, effective Dec. 30, 2000. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel’s Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules**

PROPOSED RESCISSION

12 CSR 10-24.465 Disqualification of Commercial Motor Vehicle Operators Due to Railroad-Highway Grade Crossing Violations. This rule established standards for disqualification from operating a commercial motor vehicle related to railroad-highway grade crossing violations.

PURPOSE: This rule is being rescinded because it is unnecessary. This rule describes the various penalties for violations by a commercial motor vehicle operator relating to railroad-highway grade crossings. Section 302.755(13), RSMo already incorporates the identical federal prohibitions into the statute. See Federal Commercial Motor Vehicle Act 49 CFR Section 383.51 (Table 3).

AUTHORITY: section 302.755, RSMo 2000. Original rule filed May 24, 2001, effective Dec. 30, 2001. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 25—Motor Vehicle Financial Responsibility**

PROPOSED RESCISSION

12 CSR 10-25.050 Filing a Report of an Accident With the Director of Revenue. This rule prescribed a form for filing an accident report that is no longer in use.

PURPOSE: This rule is being rescinded because this form has been revised and the rule is unnecessary.

AUTHORITY: sections 303.040 and 303.290, RSMo 2000. This version of rule filed Dec. 10, 1973, effective Dec. 20, 1973. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 25—Motor Vehicle Financial Responsibility**

PROPOSED RESCISSION

12 CSR 10-25.060 Insurance Identification Cards. This rule established standards for insurance identification cards.

PURPOSE: This rule is being rescinded because it is duplicative. Section 303.024, RSMo already describes the standards for insurance identification cards, including the information required to be provided on them.

AUTHORITY: section 303.290, RSMo 1994. Original rule filed May 7, 1987, effective Aug. 27, 1987. Amended: Filed Nov. 26, 1991, effective April 9, 1992. Amended: Filed Sept. 15, 1995, effective

March 30, 1996. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 25—Motor Vehicle Financial Responsibility**

PROPOSED RESCISSION

12 CSR 10-25.070 Power of Attorney. This rule established procedures for filing proof of financial responsibility by an insurance company that is not authorized to transact business in Missouri.

PURPOSE: This rule is being rescinded because it is unnecessary. Section 303.180.2, RSMo already addresses the procedure for a non-resident to provide proof of financial responsibility.

AUTHORITY: section 303.290, RSMo 1986. Original rule filed May 7, 1987, effective Aug. 27, 1987. Amended: Filed Nov. 26, 1991, effective April 9, 1992. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 25—Motor Vehicle Financial Responsibility**

PROPOSED RESCISSION

12 CSR 10-25.080 Failure to Produce Insurance Identification Card—Other Types of Proof Acceptable. This rule indicated other types of acceptable documents acceptable to prove financial responsibility when demanded by law enforcement.

PURPOSE: This rule is being rescinded because it is duplicative and unnecessary. Section 303.024.5, RSMo describes the types of documents acceptable to establish proof of financial responsibility, other than an insurance identification card.

AUTHORITY: section 303.290, RSMo 1994. Original rule filed July 6, 1987, effective Oct. 25, 1987. Amended: Filed Aug. 21, 1998,

effective Feb. 28, 1999. Rescinded: Filed Dec. 22, 2017.

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 4—Agricultural Land Productive Values**

PROPOSED AMENDMENT

12 CSR 30-4.010 Agricultural Land Productive Values. The State Tax Commission is amending subsections (1)(E)–(H).

PURPOSE: *Pursuant to section 137.021, RSMo requirements, the State Tax Commission proposes to amend this rule to adjust agricultural land values in Grades 5–8.*

(1) Agricultural Land Grades and Values. The following are definitions of agricultural land grades and the productive values of each:

(E) Grade #5. Soils are not suited to continuous cultivation. Crop rotations contain increasing proportions of small grain (for example, wheat or oats), hay, or both. Upland soils have moderate to steep slopes and require conservation practices. Limitations—

1. Moderate to steep slopes (eight to twenty percent (8–20%));
2. Grades #2 and #3 bottomland subject to frequent damaging flooding (more than once in two (2) years) and Grade #4 bottomland subject to occasional damaging flooding; and
3. Serious drainage problems for some soils. Use value: *[two hundred five dollars (\$205)] one hundred and ninety-one dollars (\$191);*

(F) Grade #6. Soils are generally unsuited for cultivation and are limited largely to pasture and sparse woodland. Limitations—

1. Moderate to steep slopes (eight to twenty percent (8–20%));
2. Severe erosion hazards present;
3. Grades #3 and #4 bottomland subject to frequent damaging flooding (more than once in two (2) years), and Grade #5 bottomland subject to occasional damaging flooding (once every three to five (3–5) years); and
4. Intensive management required for crops. Use value: *[one hundred fifty-eight dollars (\$158)] one hundred and forty-seven dollars (\$147);*

(G) Grade #7. These soils are generally unsuited for cultivation and may have other severe limitations for grazing and forestry that cannot be corrected. Limitations—

1. Very steep slopes (over fifteen percent (15%));
2. Severe erosion potential;
3. Grades #5 and #6 bottomland subject to frequent damaging flooding (more than once in two (2) years);
4. Intensive management required to achieve grass or timber productions; and
5. Very shallow topsoil. Use value: *[seventy-nine dollars (\$79)] seventy-three dollars (\$73);*

(H) Grade #8. Land capable of only limited production of plant growth. It may be extremely dry, rough, steep, stony, sandy, wet, or severely eroded. Includes rivers, running branches, dry creek, and

swamp areas. The lands do provide areas of benefit for wildlife or recreational purposes. Use value: *[thirty-one dollars (\$31)] thirty dollars (\$30);* and

(I) Definitions. The following are definitions of flooding for purposes of this rule:

1. Damaging flooding. A damaging flood is one that limits or affects crop production in one (1) or more of the following ways:
 - A. Erosion of the soil;
 - B. Reduced yields due to plant damage caused by standing or flowing water;
 - C. Reduced crop selection due to extended delays in planting and harvesting; and
 - D. Soil damage caused by sand and rock being deposited on the land by flood waters;
2. Frequent damaging flooding. Flooding of bottomlands that is so frequent that normal row cropping is affected (reduces row crop selection); and
3. Occasional damaging flooding. Flooding of bottomland that is so infrequent that producing normal row crops is not compromised in most years.

(2) Forest Land and Horticultural Land. The following prescribes the treatment of forest land and horticultural land:

(B) Land utilized for the production of horticultural crops should be assigned to a land classification grade based on productivity of the land if used for agricultural crops. Horticultural crops include fruits, ornamental trees and shrubs, flowers, vegetables, nuts, Christmas trees, and similar crops which are produced in orchards, nurseries, gardens, or cleared fields.

AUTHORITY: *section 137.021, RSMo [2000] 2016. Original rule filed Dec. 13, 1983, effective March 12, 1984. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 20, 2017.*

PUBLIC COST: *This proposed amendment will cost state agencies or political subdivisions one million, seven hundred and fifty thousand, four hundred and ninety-five dollars (\$1,750,495) in the aggregate as reflected in the attached fiscal note.*

PRIVATE COST: *Because this proposed amendment either decreases or does not change the use value per acre placed on agricultural land, the assessed value of agricultural property will either decrease or remain the same, therefore there will be no increased cost to private entities as a result of this proposed amendment.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with Stacey Jacobs, Administrative Secretary, State Tax Commission, PO Box 146, Jefferson City, MO 65102, (573) 751-2414, stc@stc.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** Department of Revenue
Division Title: Division 30 State Tax Commission
Chapter Title: Chapter 4 Agricultural Land Productivity Value

Rule Number and Name:	12 CSR-30 4.010 Agricultural Land Productivity Value
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Local political subdivisions	\$1,750,500

III. WORKSHEET

The cost to political subdivisions would be estimated as follows:

- Approximately 65% of agricultural assessments would be impacted;
- The taxes for agricultural land in grades 5-7 is estimated to be reduced by 7%.
- The taxes for agricultural land in grade 8 is estimated to be reduced by 3%.

IV. ASSUMPTIONS

The cost is based upon a \$6.12 per \$100 assessed valuation tax levy.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 10—General Considerations**

PROPOSED AMENDMENT

12 CSR 40-10.010 Definitions. The commission is amending sections (1), (2), (3), and (5), deleting section (4), and renumbering as necessary.

PURPOSE: This amendment streamlines the format consistent with other definitions and uses terminology consistent with other regulations in Division 40.

(1) Person[—*As used in these rules, person shall mean*].
[a]Any natural person, individual, firm, corporation, partnership, trust, limited liability company (LLC), or unincorporated association.

(2) Vendor[—*As used in these rules, vendor shall mean*].
[a]Any person who contracts with the commission to supply goods or services which will be used directly in the operation of lottery games. Vendor does not include parent corporations of, holding companies of or subsidiary corporations of a corporation contracting with the commission.

(3) Licensee[—*As used in these rules, licensee shall mean*].
[a]Any person licensed to sell lottery tickets at one (1) or more locations.

[(4) *Illegal machine—If a licensed lottery retailer shall possess machine(s) or promote(s) behavior that violates the provisions of Chapter 572 (Gambling) of the Revised Statutes of Missouri, the Missouri Lottery may suspend or revoke said license. The Missouri Lottery may suspend or revoke the license of a lottery retailer, if said retailer is prosecuted by the state of Missouri for a violation of any provision of Chapter 572, RSMo (Gambling).*]

[(5)](4) Director[—*As used in these rules, director shall mean*]
or Executive Director. [t]The director or his/her designee.

AUTHORITY: section 313.220, RSMo [Supp. 2014] 2016. Original rule filed Oct. 7, 1985, effective Oct. 17, 1985. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Amended: Filed Dec. 27, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 10—General Considerations**

PROPOSED RESCISSION

12 CSR 40-10.040 Commission to Meet Quarterly. This rule

required quarterly commission meetings.

PURPOSE: This rule is being rescinded as it duplicates statutory language.

AUTHORITY: section 313.220, RSMo Supp. 2014, and section 313.225, RSMo 2000. Original rule filed Jan. 10, 1986, effective Jan. 20, 1986. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Rescinded: Filed Dec. 27, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 15—Employees**

PROPOSED RESCISSION

12 CSR 40-15.010 All Employees to be Fingerprinted. This rule required fingerprints from all persons seeking employment with the commission.

PURPOSE: This rule is being rescinded as it duplicates statutory language and includes a statement concerning only the internal management of the commission that does not substantially affect the legal rights of, or procedures available to, the public.

AUTHORITY: section 313.220, RSMo Supp. 2014. Original rule filed Oct. 7, 1985, effective Oct. 17, 1985. Amended: Filed July 16, 2014, effective Feb. 28, 2015. Rescinded: Filed Dec. 27, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Director Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 20—Fiscal**

PROPOSED AMENDMENT

12 CSR 40-20.010 Licensees to Authorize Electronic Funds Transfer (EFT). The commission proposes to amend the rule name and add section (2).

PURPOSE: This amendment allows retailer EFT requirements to be combined into a single rule.

(2) For persons applying for a retail license, the documents required by this rule shall be executed prior to the issuance of a license.

AUTHORITY: section 313.220, RSMo [Supp. 2014] 2016. Original rule filed Jan. 10, 1986, effective Jan. 20, 1986. Amended: Filed May 5, 1986, effective May 15, 1986. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Amended: Filed Dec. 27, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE

Division 40—State Lottery

Chapter 20—Fiscal

PROPOSED RESCISSION

12 CSR 40-20.020 Electronic Funds Transfer System (EFT). This rule required the director to establish an Electronic Funds Transfer System for retailers in a specific manner.

PURPOSE: This rescission allows retailer EFT requirements to be combined into a single rule.

AUTHORITY: section 313.220, RSMo Supp. 2014. Original rule filed May 5, 1986, effective May 15, 1986. Amended: Filed Dec. 5, 1988, effective April 27, 1989. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Rescinded: Filed Dec. 27, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE

Division 40—State Lottery

Chapter 40—Retail Sales Licenses

PROPOSED AMENDMENT

12 CSR 40-40.015 Issuance and Length of Licenses. The commission is amending the rule purpose, sections (2) and (3), and the rule

authority.

PURPOSE: This amendment aligns the rule text with its stated purpose and modifies its authority.

PURPOSE: This rule provides for licenses of one[-] (1[-]) year in length and allows the director to stagger the expiration by issuing longer or shorter licenses.

(2) The license shall be valid **for approximately one (1) year** or until terminated by the lottery *[as required in 12 CSR 40-40.070, 12 CSR 40-40.110 or 12 CSR 40-40.120, or any combination of these]*.

(3) The retailer shall provide periodic updates of license information as may be required by the *[executive]* director.

AUTHORITY: sections 313.220[, RSMo Supp. 2014,] and [section] 313.230[(1)(i)(2)], RSMo [2000] 2016. Original rule filed Sept. 4, 1985, effective Sept. 14, 1985. Amended: Filed Aug. 28, 1987, effective Nov. 23, 1987. Amended: Filed Jan. 4, 1994, effective July 10, 1994. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Amended: Filed Dec. 27, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE

Division 40—State Lottery

Chapter 40—Retail Sales Licenses

PROPOSED AMENDMENT

12 CSR 40-40.030 Minority [and Political Factors] Businesses. The commission is amending the rule name, rule purpose, and section (2), and it is deleting section (1).

PURPOSE: This amendment removes a subsection that duplicates statutory language and updates the rule name and rule purpose accordingly.

PURPOSE: This rule requires ten percent (10%) of the businesses in the City of St. Louis and the City of Kansas City to be minority-owned or-controlled. *[The rule requires the director to license without regard to political affiliation.]*

[(1) The director shall select retail licensees without regard to political affiliation.]

[(2)](1) The director shall select licensees to [i]ensure that ten percent (10%) of the licensees in the City of St. Louis and the City of Kansas City are minority-owned or minority-controlled business enterprises.

AUTHORITY: sections 313.220[, RSMo Supp. 2014,] and [section] 313.255, RSMo [2000] 2016. Original rule filed Sept. 4,

1985, effective Sept. 14, 1985. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Amended: Filed Dec. 27, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 40—Retail Sales Licenses**

PROPOSED RESCISSION

12 CSR 40-40.070 Assignment or Transfer of License Prohibited. This rule prohibited the assignment or transfer of licenses.

PURPOSE: This rule is being rescinded as it duplicates statutory language.

AUTHORITY: section 313.220, RSMo Supp. 2014, and section 313.255, RSMo 2000. Original rule filed Sept. 4, 1985, effective Sept. 14, 1985. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Rescinded: Filed Dec. 27, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 40—Retail Sales Licenses**

PROPOSED RESCISSION

12 CSR 40-40.100 Certain Employees Prohibited From Participating in Lottery Operation. This rule prohibited certain employees of a licensee from participating in the management or sale of lottery tickets.

PURPOSE: This rule is being rescinded as it duplicates statutory language.

AUTHORITY: section 313.220, RSMo Supp. 1988. Original rule filed Sept. 4, 1985, effective Sept. 14, 1985. Rescinded: Filed Dec. 27, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 40—Retail Sales Licenses**

PROPOSED AMENDMENT

12 CSR 40-40.120 Suspension and Revocation of Licenses—When Effective Immediately. The commission is amending the rule name, rule purpose, authority, and section (1), relettering as necessary.

PURPOSE: This amendment combines different bases for retailer license discipline from multiple rules.

PURPOSE: This rule establishes when the director may suspend, revoke or decline to renew the license of any licensee **and when a suspension or revocation is effective immediately.**

(1) At the director's sole discretion, the director may immediately suspend or revoke a retailer license *[if the director determines that continuing to contract with the retailer is not in the best interest of the lottery,]* for reasons including, but not limited to, the following *[reasons]:*

(C) An electronic funds transfer (EFT) payment is rejected for non-transfer of funds (NTF) or *[the retailer fails]* failure to provide timely information to the lottery regarding any change on the retailer's EFT bank account;

(F) The person is ineligible for obtaining a license under 12 CSR 40-40.090 and the facts giving rise to ineligibility occurred or were discovered subsequent to the issuance of the license **or the license was issued through inadvertence or mistake to an unqualified licensee;**

(J) The retailer provided false or misleading information to, **or concealed any material fact from,** the lottery **during the application process or thereafter;**

(K) The retailer or any key person is arrested or convicted of a felony **or a violation of any provision of Chapter 572, RSMo (Gambling),** while a licensed retailer;

(L) Any *[other]* contractual reason *[contained in the contract or administrative rules]* that provides a basis for **suspension or revocation of a retailer contract; and]**

(M) **The failure to remit any sales proceeds required to be remitted to the lottery;**

(N) **Knowing either—**

1. Canceling any draw game ticket without being requested to do so by the player owning that ticket; or

2. Failing to enter a draw game play requested by a player; and

[(M)](O) **When the director concludes that the retailer has endangered the security of the lottery or any of its games or that continuing to contract with the retailer may pose a threat to the fairness, honesty, integrity, or security of the lottery and its games.**

AUTHORITY: sections 313.220, *[RSMo Supp. 2014, and section]* 313.255, **and 313.260, RSMo [2000] 2016.** Original rule filed

Sept. 4, 1985, effective Sept. 14, 1985. Amended: Filed March 17, 1987, effective March 27, 1987. Amended: Filed Jan. 4, 1994, effective July 10, 1994. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Amended: Filed Dec. 27, 2017.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 40—Retail Sales Licenses**

PROPOSED AMENDMENT

12 CSR 40-40.130 Written Notice of Revocation, [or] Suspension or Denial Required. The commission is amending the rule name, rule purpose, and the rule.

PURPOSE: *This amendment aligns the rule title, rule purpose and rule text to reflect that it applies to license denials and applicants.*

PURPOSE: *This rule requires the director to notify applicants or licensees in writing of the action s/he intends to take or has taken and the reasons for the action.*

The director, on any revocation, suspension or denial of any license, shall inform in writing, the person **applying for or** holding license(s) of the action the director intends to take or has taken and the reason for the action.

AUTHORITY: *section 313.220, RSMo [Supp. 1988] 2016. Original rule filed Sept. 4, 1985, effective Sept. 14, 1985. Amended: Filed Jan. 4, 1994, effective July 10, 1994. Amended: Filed Dec. 27, 2017.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 40—Retail Sales Licenses**

PROPOSED AMENDMENT

12 CSR 40-40.150 Change of Information. The commission is

adding a new section.

PURPOSE: *This amendment clarifies retailer requirements with respect to changes of information and includes those requirements in a single rule.*

(2) The director shall require additional information when it is necessary to conduct background information on any persons added to the business.

[(3)] The director may require a payment for any required investigation under this rule.

(3) The director may require a new contract on the basis of the factors set forth in 12 CSR 40-40.090.

AUTHORITY: *section 313.220, RSMo [Supp. 2014] 2016. Original rule filed Sept. 4, 1985, effective Sept. 14, 1985. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Amended: Filed Dec. 27, 2017.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 40—Retail Sales Licenses**

PROPOSED AMENDMENT

12 CSR 40-40.170 Sale During Normal Business Hours. The commission is amending section (2).

PURPOSE: *This amendment conforms the rule to current practice.*

(2) Retailers must give prompt service to lottery customers present and waiting *[at the terminal]* to purchase **lottery** tickets *[for draw games]*. *[Prompt service includes interrupting processing of draw game ticket orders or sales for which the customer is not present at the terminal.]*

AUTHORITY: *section 313.220, RSMo [Supp. 2014] 2016. Original rule filed Sept. 4, 1985, effective Sept. 14, 1985. Amended: Filed Sept. 17, 1992, effective June 7, 1993. Amended: Filed Aug. 24, 2004, effective March 30, 2005. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Amended: Filed Dec. 27, 2017.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the*

Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 40—Retail Sales Licenses**

PROPOSED AMENDMENT

12 CSR 40-40.180 Notification of Lost, Damaged or Stolen Tickets or Equipment. The commission is amending the rule.

PURPOSE: This amendment ensures that the lottery receives notice of lost, damaged or stolen tickets or equipment and allows retailers to elect to which law enforcement agency to report the same.

Licensees shall immediately report the theft, loss, or damage of any lottery tickets or equipment to the director of the state lottery[, and either the Missouri State Highway Patrol[, or local law enforcement authorities. The licensee shall cooperate in any investigation conducted by the commission, its employees, the Missouri State Highway Patrol, the Missouri attorney general, or local law enforcement authorities.

AUTHORITY: section 313.220, RSMo [Supp. 2014] 2016. Original rule filed Sept. 4, 1985, effective Sept. 14, 1985. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Amended: Filed Dec. 27, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 40—Retail Sales Licenses**

PROPOSED AMENDMENT

12 CSR 40-40.220 Incapacity of Licensee. The commission is amending sections (1) and (2).

PURPOSE: This amendment clarifies the regulation to ensure that the lottery receives notice of licensee incapacity.

(1) In the event any licensee is proven to be incapacitated, dies, is adjudicated bankrupt, makes any assignment for the benefit of creditors, or is placed in any receivership, **guardianship, conservatorship** or trusteeship, the director may suspend the license for all locations licensed to the person.

(2) The licensee, his/her agent, executor, **guardian, conservator** or trustee shall immediately inform the director of the occurrence of any circumstances set forth in section (1) of this rule. The executor,

trustee in bankruptcy, receiver or any other officer or any court taking charge of the assets of any licensee may apply to the director for reinstatement of the license to sell lottery tickets.

AUTHORITY: section 313.220, RSMo [Supp. 2014] 2016. Original rule filed Sept. 4, 1985, effective Sept. 14, 1985. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Amended: Filed Dec. 27, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 40—Retail Sales Licenses**

PROPOSED RESCISSION

12 CSR 40-40.250 Special Event Licenses. This rule authorized special event licenses and set forth those license requirements.

PURPOSE: This rescission reflects current practice.

AUTHORITY: section 313.220, RSMo Supp. 2014. Original rule filed May 5, 1986, effective May 15, 1986. Amended: Filed Sept. 15, 1997, effective March 30, 1998. Amended: Filed Aug. 23, 2000, effective March 30, 2001. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Rescinded: Filed Dec. 27, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 40—Retail Sales Licenses**

PROPOSED AMENDMENT

12 CSR 40-40.260 Retailer Compensation. The commission is amending section (3), relettering as necessary, and the authority.

PURPOSE: This amendment reflects current practice and terminology.

(3) To be eligible to receive compensation or participate in the incentive program for the sale of lottery tickets, a retailer must meet the following criteria:

(A) Be a licensed and active lottery retailer selling lottery tickets at the incentive program's end;

[(B) Have sold lottery game tickets for the duration of the game immediately preceding the game for which the incentive is offered;]

[(C)](B) Be current on payment for tickets at time incentive payment or award is made; and

[(D)](C) [Must b]Be in compliance with the retailer agreement, all aspects of the rules of the commission, and rules of the incentive program for which compensation is offered.

AUTHORITY: sections 313.220[, RSMo Supp. 2014,] and [section] 313.230[(1)(i)(2)], RSMo [2000] 2016. Original rule filed July 15, 1986, effective July 25, 1986. Amended: Filed Oct. 20, 1986, effective Oct. 30, 1986. Amended: Filed April 27, 1987, effective July 11, 1987. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Amended: Filed Dec. 27, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE

Division 40—State Lottery

Chapter 40—Retail Sales Licenses

PROPOSED RESCISSION

12 CSR 40-40.270 Ticket Transactions in Excess of \$5,000. This rule required retailers to alert the lottery that a large block of tickets was being purchased.

PURPOSE: This rule is being rescinded as technology and other regulations render it unnecessary.

AUTHORITY: section 313.220, RSMo Supp. 2014. Original rule filed Sept. 17, 1992, effective June 7, 1993. Amended: Filed Aug. 24, 2004, effective March 30, 2005. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Rescinded: Filed Dec. 27, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE

Division 40—State Lottery

Chapter 40—Retail Sales Licenses

PROPOSED RULE

12 CSR 40-40.280 Retailer Contract Provisions

PURPOSE: This rule contains provisions already existing in other regulations but would move those provisions to the chapter that primarily governs retailers. This rule establishes certain provisions that may be included, but are not required, in retailer contracts.

(1) In addition to any contractual provisions unique to a retailer, retailer contracts may provide the following provisions:

(A) A discount commission of a percentage set by the director of tickets sold by the retailer;

(B) An installation fee and a weekly communications fee as may be established by the director;

(C) If the retailer has purchased a business where a terminal has previously been installed, reconnection fees may be charged as may be established by the director;

(D) Requirements that the retailer—

1. Sell all games as required by the lottery;

2. Furnish players with proper claim forms provided by the lottery;

3. Provide winning numbers;

4. Attend training provided by the lottery;

5. Allow only trained personnel to operate terminals;

6. Report malfunctions as soon as practicable; and

7. Prominently display point-of-sale and other game-related materials and equipment; and

(E) Retailer liability for negligent or intentional damage to or loss of lottery or vendor equipment.

AUTHORITY: section 313.220, RSMo 2016. Original rule filed Dec. 27, 2017.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE

Division 40—State Lottery

Chapter 50—Tickets and Prizes

PROPOSED AMENDMENT

12 CSR 40-50.010 Tickets and Prizes. The commission is amending the purpose and adding sections (2), (3), and (4).

PURPOSE: This proposed amendment contains provisions already existing in other regulations but would move those provisions to the chapter that primarily governs tickets and prizes.

PURPOSE: This rule provides that licensees own Scratchers tickets after they are delivered [to the licensee] and [the licensee shall]

bear the burden of any loss. Licensees must sell Scratchers tickets in order and cannot play or sell games in a manner that provides an advantage. The [executive] director [may establish policies after consideration of circumstances to relieve the licensee of some or all of the burden of loss] has discretion to halt sales to limit liability.

(1) The licensee shall be responsible for all Scratchers tickets upon delivery to the retailer and shall bear the burden of any loss, including theft, damage, or loss. The [executive] director of the lottery may establish policies which, after consideration of the circumstances of the licensee's loss, relieve the licensee of some or all of the burden of loss. The policies established by the [executive] director shall be made with the overall functionality of the lottery and the purpose of maximizing the funds available for appropriation as set forth in the Missouri Constitution, Article III, Section 39(b).

(2) Licensees must sell their tickets in ticket order number within each pack.

(3) Licensees or their employees are prohibited from—

(A) Playing lottery games using any method which gives the licensee or his/her employees an advantage in terms of odds of winning over the public at large; and

(B) Knowingly selling a ticket or combination of tickets to any person or entity that would guarantee such a purchaser a prize in a draw game or draw game promotion.

(4) The lottery reserves the right to immediately halt ticket sales or redemptions at any retail location to limit the liability to the lottery and its retailer. Sales may resume at the discretion of the lottery.

AUTHORITY: section 313.220, RSMo [Supp. 2014] 2016. Original rule filed Sept. 4, 1985, effective Sept. 14, 1985. Amended: Filed Aug. 28, 2002, effective March 30, 2003. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Amended: Filed Dec. 27, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 50—Tickets and Prizes

PROPOSED AMENDMENT

12 CSR 40-50.030 Redemption of Winning Tickets—Licensee and Player Responsibility and Disputes. The commission is amending the rule name, rule purpose, and sections (1) through (5) by deleting two sections, adding five sections, and renumbering as necessary.

PURPOSE: This proposed amendment conforms the rule to current practice and contains provisions already existing in other regulations but would move those provisions to the chapter that primarily governs ticket redemption.

PURPOSE: This rule addresses redemption amounts for [Scratchers] winning tickets.

(1) Licensees shall redeem winning [Scratchers] lottery tickets of [twenty-five] six hundred dollars (\$/25/600) or less. The executive director may allow exceptions to the criterion in this paragraph.

[[2) Licensees, at their option, may redeem winning Scratchers tickets of between twenty-five dollars and one cent (\$25.01) and six hundred dollars (\$600).

(3) Any Scratchers retailer may pay a prize for a winning Scratchers ticket regardless of where the ticket was purchased.]

[[4)](2) [Lottery Scratchers retailers] Licensees shall follow the procedures for validation of the tickets issued by the lottery before paying any [Scratchers] prizes.

[[5)](3) Winning tickets over six hundred dollars (\$600) shall be processed at a lottery office, the location(s) of which shall be published [periodically by] on the lottery's website.

(4) A Scratchers or draw games ticket is a bearer instrument until signed on the back by the owner(s).

(5) The owner(s) of a winning ticket must declare all other owners and the percentage of ownership for a winning ticket at the time of filing a claim with the lottery or presenting the ticket for validation to a retailer.

(6) The player, and not the lottery, shall be responsible for lost or stolen lottery tickets.

(7) The lottery shall not be responsible for tickets or game plays claimed by a player in error for a lower prize—

(A) Unless a specific game rule provides otherwise, a draw games game play may only be claimed for the highest prize category won;

(B) For purposes of calculation of a prize to be paid with respect to any prize in any game, the winning prize amount shall be rounded down to the nearest dollar.

(8) In the event of a dispute between the lottery and the owner(s) or bearer(s) of a lottery ticket as to whether the ticket is a winning ticket, and if the claimed prize is not paid, the director, solely at his/her option, may replace the disputed ticket with an unplayed ticket(s) of equivalent price from any current respective game. All decisions of the director as to winning tickets or any other disputes concerning the operation of the games are final and no administrative appeal shall be allowed.

AUTHORITY: sections 313.220[, RSMo Supp. 2014,] and [section] 313.255, RSMo [2000] 2016. Original rule filed Jan. 10, 1986, effective Jan. 20, 1986. Amended: Filed May 3, 1988, effective July 28, 1988. Amended: Filed Sept. 15, 1997, effective March 30, 1998. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Amended: Filed Dec. 27, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in

support of or in opposition to this proposed amendment with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 50—Tickets and Prizes

PROPOSED RULE

12 CSR 40-50.060 Player Agreement

PURPOSE: This proposed rule contains provisions already existing in other regulations but would move those provisions to the chapter that primarily governs players' tickets and prizes. This proposed rule addresses player compliance with lottery law, rules, instructions and agreements.

(1) In purchasing a lottery ticket, submitting a ticket for validation, or claiming a prize, a player or claimant agrees to comply with state lottery law and any regulations, rules, instructions or agreements pertaining to the lottery or its games.

(2) There may not be any failure to comply in relation to the ticket or prize that, in the opinion of the executive director, justifies disqualification.

AUTHORITY: sections 313.220 and 313.230, RSMo 2016. Original rule filed Dec. 27, 2017.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 60—Payment of Prizes

PROPOSED AMENDMENT

12 CSR 40-60.040 Requirements for Annuity Sellers. The commission is amending the rule purpose and authority.

PURPOSE: This amendment conforms the rule to current practice.

PURPOSE: The purpose of this rule is to set out the requirements for annuity sellers [and trustees] who may bid to provide periodic prize payments to lottery winners.

AUTHORITY: section 313.230[(2)], RSMo [2000] 2016. Original rule filed Jan. 23, 1986, effective Feb. 1, 1986. Amended: Filed March 17, 1987, effective June 11, 1987. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Amended: Filed Dec. 27, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 60—Payment of Prizes

PROPOSED RESCISSION

12 CSR 40-60.050 Requirements for Companies Providing Insurance for Annuity Contracts. This rule set out requirements for annuity contracts making periodic prize payments to major lottery prize winners.

PURPOSE: This rescission reflects current practice.

AUTHORITY: section 313.230(1)(l), RSMo 2000. Original rule filed March 17, 1987, effective June 11, 1987. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Rescinded: Filed Dec. 27, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 70—Suspension, Revocation and Denial of Licenses

PROPOSED RESCISSION

12 CSR 40-70.050 When Action Effective Immediately. This rule authorized the suspension or revocation of any license prior to a hearing in certain instances.

PURPOSE: This rescission permits the provisions currently in this rule to be moved to another rule, combining different bases for retailer license discipline from multiple rules in that rule.

AUTHORITY: section 313.220, RSMo Supp. 2014, and section 313.260, RSMo 2000. Original rule filed April 9, 1986, effective April 19, 1986. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Rescinded: Filed Dec. 27, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies

or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 70—Suspension, Revocation and
Denial of Licenses**

PROPOSED AMENDMENT

12 CSR 40-70.080 Decision of the Director. The commission is amending sections (3) and (4).

PURPOSE: This amendment conforms this rule to proposed amendments combining different bases for retailer license discipline from multiple rules.

(3) [Except for] Unless the director indicates the suspension or revocation under 12 CSR 40-/70.050/40.120 is immediate, the suspension, revocation or denial shall be effective on the date the director renders his/her decision.

(4) In the case of an immediately effective suspension or revocation under 12 CSR 40-/70.050/40.120, if the decision is favorable, the licensee shall be reinstated on the date the director renders his/her decision. If the decision is a suspension for a period of time, the time between the notice of action and the decision shall be counted as part of the suspension period.

AUTHORITY: section 313.220, RSMo [Supp. 2014] 2016. Original rule filed April 9, 1986, effective April 19, 1986. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Amended: Filed Dec. 27, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 80—General Rules—Scratchers Game**

PROPOSED AMENDMENT

12 CSR 40-80.010 Definitions for All Scratchers Games. The commission is amending subsection (1)(H) and the authority.

PURPOSE: This amendment reflects current practice and terminology.

(1) The following definitions shall apply to 12 CSR 40-80 and 12 CSR 40-90:

(H) [Retailer] **Encrypted** validation code consists of [letters] a **bar code** found under the scratch-off coating [over the play symbols] on the Scratchers game ticket;

AUTHORITY: section 313.230[(2)], RSMo [2000] 2016. Original rule filed Jan. 10, 1986, effective Jan. 20, 1986. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 27, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 80—General Rules—Scratchers Game**

PROPOSED AMENDMENT

12 CSR 40-80.020 Manner of Selecting Winning Scratchers Tickets; Frequency of Drawings—Publication and Retention. The commission is amending the rule name, rule purpose, deleting section (1), amending section (2), and adding two (2) new sections, renumbering as necessary.

PURPOSE: This amendment contains provisions already existing in other regulations but would move those provisions to this rule, eliminating the need for two other rules and for one chapter.

PURPOSE: The purpose of this rule is to **require the lottery to publish and retain records setting forth the manner of determining Scratchers prize winners for specific Scratchers games.**

(1) [The manner of determining winning tickets for each specific game shall be set in 12 CSR 40-90.110.] The director shall publish and provide to retailers the specifics for each Scratchers game at least one (1) week prior to the start of that game, including:

- (A) The theme of the game;
- (B) The method of play to determine winning tickets; and
- (C) The value and odds of each prize level.

(2) [In addition to the manner in section (1) of this rule, the manner] The director shall retain the specifics for each Scratchers game at the lottery's Jefferson City office for one (1) year following the last day on which prizes may be claimed for that game.

(3) Scratchers games may also include [a] random drawings for [the] prizes.

(4) Multiple prize amounts won in accordance with a Scratchers

game's specifics may be paid on any given Scratchers ticket.

AUTHORITY: section 313.220, RSMo [Supp. 2014] 2016. Original rule filed Jan. 10, 1986, effective Jan. 20, 1986. Amended: Filed June 3, 1999, effective Dec. 30, 1999. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Amended: Filed Dec. 27, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE

Division 40—State Lottery

Chapter 80—General Rules—Scratchers Game

PROPOSED RESCISSION

12 CSR 40-80.030 Limitation on Awarding Instant Prizes. The purpose of this rule was to limit the determination of prize winners.

PURPOSE: This rescission eliminates an unnecessary cross-reference between two rules and permits the provisions currently in this rule to be moved to other rules, combining different requirements relating to winning Scratchers tickets and to validation of those tickets into fewer rules.

AUTHORITY: section 313.220, RSMo Supp. 2014. Original rule filed Jan. 10, 1986, effective Jan. 20, 1986. Amended: Filed June 3, 1999, effective Dec. 30, 1999. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Rescinded: Filed Dec. 27, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE

Division 40—State Lottery

Chapter 80—General Rules—Scratchers Game

PROPOSED AMENDMENT

12 CSR 40-80.050 Scratchers Validation Requirements. The commission is amending section (1), adding section (2), and renumbering as necessary.

PURPOSE: This amendment conforms this rule to proposed amend-

ments reflecting current practice and terminology and to a proposed rescission moving a provision currently in another rule to this rule, combining different requirements relating to winning Scratchers tickets and to validation of those tickets into fewer rules.

(1) All of the following requirements must be met for a Scratchers ticket to be a valid Scratchers winning ticket:

(B) **When play symbol captions are used,** /E/each of the play symbols must have a play symbol caption underneath and each play symbol must agree with its play symbol caption;

(D) **When play symbol captions are used,** /E/each of the play symbol captions must be present in its entirety and be fully legible;

(E) Each of the play symbols and /its/ play symbol captions must be printed in ink;

(G) The pack-ticket number, the ticket validation number and the [retailer] **encrypted** validation code must be present in their entirety and be fully legible. The validation number shall correspond, using the lottery's codes, to play symbols on the ticket;

(J) The ticket validation number, the pack-ticket number and the [retailer] **encrypted** validation code shall be printed in ink;

(M) The play symbols, the play symbol captions, the ticket validation number, the **encrypted** validation code and the pack-ticket number must be rightside up and not reversed in any manner;

(N) The ticket must have exactly one (1) play symbol caption under each rub-off spot, **when play symbol captions are used,** exactly one (1) pack-ticket number, exactly one (1) **encrypted** validation code and exactly one (1) validation number;

/I/Q/ Each of the play symbols must be exactly one (1) of those described for that instant game as set forth in 12 CSR 40-90 of these rules and each of the play symbol captions must be exactly one (1) of those described for that instant game set forth in 12 CSR 40-90 of these rules;

/I/R/ Q/ Each of the play symbols on the ticket must correspond precisely to the game specifications on file at the lottery. **When play symbol captions are used,** /E/each of the play symbol captions must correspond precisely to the game specifications on file at the lottery;

/I/S/ R/ The pack-ticket number must correspond precisely to the game specifications on file at the lottery;

/I/T/ S/ The **encrypted** validation code must correspond precisely to the game specifications on file at the lottery;

/I/U/ T/ The validation number must correspond precisely to the game specifications on file at the lottery;

/I/V/ U/ The display printing must be regular in every respect and correspond precisely with the game specifications on file at the lottery;

/I/W/ V/ The ticket must pass all additional confidential validation tests prescribed by the lottery; and

/I/X/ W/ The ticket must be a Scratchers ticket offered for sale by the [Missouri L] lottery during the period announced by the director for that Scratchers game.

(2) No portion of the display printing on the Scratchers ticket nor any extraneous matter whatsoever shall be usable or playable as part of the Scratchers ticket.

/I/2/ 3/ At the direction of the [executive] director, the lottery may pay a winning claim on a damaged or mutilated ticket. This is dependent on the lottery being able to identify the game-pack-ticket number or validation number, and a sufficient amount of the ticket play area, in order to have the ability to reconstruct the ticket, as directed by lottery procedure, to compare and successfully match it to the damaged/mutilated ticket. Provided that the ticket has not been validated, the lottery's [executive] director may authorize that the claim be paid.

/I/3/ 4/ The director, solely at his/her option, may replace an invalid ticket with an unplayed ticket(s) of equivalent sales price for any current lottery game. In the event a defective ticket is purchased, the

only responsibility or liability of the lottery shall be the replacement of the defective ticket with another unplayed ticket(s) of equivalent sales price from any lottery Scratchers game currently on sale.

AUTHORITY: section 313.220, RSMo [Supp. 2014] 2016. Original rule filed Jan. 10, 1986, effective Jan. 20, 1986. Amended: Filed June 3, 1999, effective Dec. 30, 1999. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Amended: Filed Dec. 27, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 80—General Rules—Scratchers Game**

PROPOSED RESCISSION

12 CSR 40-80.090 Ticket Responsibility. The purpose of this rule was to set forth the responsibility for Scratchers winning tickets.

PURPOSE: This rescission permits the provisions currently in this rule to be moved to the chapter that primarily governs tickets and prizes, combining different requirements relating to tickets and prizes into fewer rules.

AUTHORITY: section 313.220, RSMo Supp. 2014. Original rule filed Jan. 10, 1986, effective Jan. 20, 1986. Amended: Filed June 3, 1999, effective Dec. 30, 1999. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Rescinded: Filed Dec. 27, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 80—General Rules—Scratchers Game**

PROPOSED RESCISSION

12 CSR 40-80.100 Disputes. This rule set forth the remedy for disputed winning Scratchers tickets.

PURPOSE: This rescission permits the provisions currently in this

rule to be moved to the chapter that primarily governs tickets and prizes, combining different requirements relating to tickets and prizes into fewer rules.

AUTHORITY: section 313.220, RSMo Supp. 2014. Original rule filed Jan. 10, 1986, effective Jan. 20, 1986. Amended: Filed June 3, 1999, effective Dec. 30, 1999. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Rescinded: Filed Dec. 27, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 80—General Rules—Scratchers Game**

PROPOSED RESCISSION

12 CSR 40-80.110 Compliance. This rule required customers to agree to comply with the laws, rules and procedures of the lottery.

PURPOSE: This rescission permits the provisions currently in this rule to be moved to the chapter that primarily governs tickets and prizes, combining different requirements relating to tickets and prizes into fewer rules.

AUTHORITY: section 313.220, RSMo Supp. 2014. Original rule filed Jan. 10, 1986, effective Jan. 20, 1986. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Rescinded: Filed Dec. 27, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 80—General Rules—Scratchers Game**

PROPOSED RESCISSION

12 CSR 40-80.130 Retailer Conduct. This rule required tickets to be sold in ticket order within each pack and prohibited licensees or their employees from gaining an unfair advantage over the general public.

PURPOSE: This rescission permits the provisions currently in this rule to be moved to the chapter that primarily governs retailers, combining different requirements relating to retailers into fewer rules.

AUTHORITY: section 313.220, RSMo Supp. 2014. Original rule filed Jan. 10, 1986, effective Jan. 20, 1986. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Rescinded: Filed Dec. 27, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 85—Draw Game

PROPOSED AMENDMENT

12 CSR 40-85.005 Definitions for All Draw Games. The commission is amending sections (6), (7), (8), (9), and (12).

PURPOSE: This amendment reflects current practice and technology.

(6) Computer gaming system. The lottery's [draw games] computer gaming system consisting of draw games terminals and related equipment which communicates with the central processing equipment and a communication network.

(7) Draw games terminal. Computer hardware through which [a draw] player game/s lottery retailer enters the combination selected by a player and by which game tickets] selections are generated and claims may be validated.

(8) Draw games ticket. A computer [generated ticket] issued game play by a draw games lottery retailer to a player as a record for the numbers/wagers or combination of numbers/wagers the player has selected.

(9) [Number and Wager Selection Types.

(A)] Player-selected numbers/wagers. A number or wager or group of numbers or wagers either—

(A) [/s]Selected by a player in connection with a draw game[.]; or

(B) [Computer-generated numbers. Numbers r]Randomly selected by the computer gaming system. The computer-generated numbers/wagers are also known as quick picks or auto-picks.

(12) Validation number. The number [printed] displayed on the front of each draw games ticket which is used for validation.

AUTHORITY: section 313.220, RSMo [Supp. 2014] 2016. Original rule filed July 15, 1986, effective July 25, 1986. Amended: Filed May 25, 2000, effective Nov. 30, 2000. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Amended: Filed Dec. 27, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500)

in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 85—Draw Game

PROPOSED RESCISSION

12 CSR 40-85.010 Draw Games Contract Provisions. This rule established certain provisions for draw games contracts.

PURPOSE: This rescission permits the provisions currently in this rule to be moved to another rule in the chapter that primarily governs retailers.

AUTHORITY: section 313.220, RSMo Supp. 2014. Original rule filed June 4, 1986, effective June 14, 1986. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Dec. 27, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 85—Draw Game

PROPOSED AMENDMENT

12 CSR 40-85.030 Draw Games Ticket Validation Requirements. The commission is amending section (1), adding a section and renumbering and relettering as necessary.

PURPOSE: This amendment conforms this rule to current practice and technology and to a proposed amendment to the definitions for this chapter. This amendment also combines different requirements relating to ticket validation into fewer rules.

(1) All of the following requirements must be met for a draw games ticket to be a valid draw games winning ticket:

(A) The ticket validation number shall be presented in its entirety and shall correspond using the computer validation file to the selected numbers [printed] displayed on the ticket for the data [printed] displayed on the ticket;

(B) The ticket shall—

1. *[n]*Not be altered, reconstituted, or tampered with in any manner;

*[(C)]*2. *[The ticket shall n]*Not be counterfeit or a duplicate of another winning ticket;

*[(D)]*3. *[The ticket shall h]*Have been issued by the lottery through a *[draw games]* retailer in an authorized manner;

*[(E)]*4. *[The ticket shall n]*Not have been canceled;

*[(F)]*5. *[The ticket shall b]*Be validated in accordance with procedures for claiming and payment of prizes;

[(G)](C) The ticket data shall—

1. *[h]*Have been recorded in the computer gaming system before the drawing; and *[the ticket data shall]*

2. *[m]*Match this computer record in every respect;

[(H)](D) The player-selected numbers/wagers, the validation number data, and the drawing date of an apparent winning ticket shall appear on the official file of winning tickets and *[a single-lettered game grid with the exact data]* may *[have]* not have been previously paid;

[(I)](E) The ticket may not be misregistered, **unregistered or unissued**, or defectively printed to an extent that it cannot be processed by the lottery; **and**

[(J)](F) The ticket shall pass all other confidential security checks of the lottery; *and*.

(2) The information printed on the ticket stock shall not be interpreted as providing any prize or procedure other than that authorized by the lottery for that game.

[(K)](3) *[Executive]* The director may allow exceptions to the criteria in this rule.

AUTHORITY: section 313.220, RSMo [Supp. 2014] 2016. Original rule filed July 15, 1986, effective July 25, 1986. Amended: Filed May 25, 2000, effective Nov. 30, 2000. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Amended: Filed Dec. 27, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 85—Draw Game

PROPOSED AMENDMENT

12 CSR 40-85.050 Prize Amounts for Parimutuel Draw Games. The commission is amending this rule by adding a section and renumbering accordingly.

PURPOSE: This amendment conforms this rule to a proposed rescission by moving provisions currently in another rule to this rule, combining different requirements relating to prize amounts into fewer rules.

(2) The allocation of the draw games winnings to the prize categories shall be announced by the *[executive]* director at least one (1) week

prior to the effective date of this rule and one (1) week prior to any future changes in the allocation.

(3) The prize money allocated to each of the winning prize categories will be divided equally by the number of plays determined to be winning plays for that prize. The *[executive]* director may establish a maximum or minimum prize allocation to each of the winning categories.

(4) Game liability limits—

(A) When the potential aggregate prize liability, resulting from all wagers containing a particular combination of numbers, reaches or first exceeds a prize payout level as determined by the director in a single drawing, no further wagers of that number combination shall be accepted by the lottery gaming system for that drawing.

(B) Notwithstanding subsection (A) of this section, the director may, when conditions so warrant as determined in the director's sole discretion, establish a prize liability threshold that is higher than the published level for a single drawing.

[(4)](5) In a draw game, if no winning ticket qualifies for a prize category, the amount allocated for the prize shall be carried over and added to the prize pool of the next drawing for that particular game or will be allocated to other prize levels according to the rules of that game.

[(5)](6) The amount allocated to the first prize may be used to purchase securities or an annuity for each winning play. The first prize will be payable to winning tickets by an initial cash payment plus payments as established by the *[executive]* director. Any winning ticket owned in shares by multiple owners shall be funded as outlined above to the owners as declared on the claim form for claiming the draw games prizes. As established by the *[executive]* director, the first prize may be payable to winning ticket holder(s) in a lump sum cash payment equal to the cash value of the first prize annuity or a percentage of the first prize.

AUTHORITY: sections 313.220[, RSMo Supp. 2014,] and [section] 313.230, RSMo [2000] 2016. Original rule filed July 15, 1986, effective July 25, 1986. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 27, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE Division 40—State Lottery Chapter 85—Draw Game

PROPOSED RESCISSION

12 CSR 40-85.060 Further Limitations on Draw Games Prizes. This rule set forth further requirements for winning tickets.

PURPOSE: This rescission permits some provisions to be moved to

the chapter that primarily governs tickets and prizes and other provisions to be moved to other rules in this chapter, combining different requirements relating to prize amounts into fewer rules.

AUTHORITY: section 313.220, RSMo Supp. 2014. Original rule filed July 15, 1986, effective July 25, 1986. Amended: Filed Feb. 11, 1987, effective Feb. 21, 1987. Amended: Filed May 25, 2000, effective Nov. 30, 2000. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Rescinded: Filed Dec. 27, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—Draw Game**

PROPOSED RESCISSION

12 CSR 40-85.070 Disputes. This rule set forth the remedy for disputed tickets.

PURPOSE: This rescission permits the provisions currently in this rule to be moved to the chapter that primarily governs tickets and prizes, combining different requirements relating to tickets and prizes into fewer rules.

AUTHORITY: section 313.220, RSMo Supp. 2014. Original rule filed July 15, 1986, effective July 25, 1986. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Rescinded: Filed Dec. 27, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—Draw Game**

PROPOSED RESCISSION

12 CSR 40-85.080 Payments of Prizes Up to \$600 Authorized. This rule set forth the manner of payment of prizes by draw games retailers.

PURPOSE: This rescission permits some provisions currently in this

rule to be moved to the chapter that primarily governs tickets and prizes, combining different requirements relating to tickets and prizes into fewer rules.

AUTHORITY: section 313.220, RSMo Supp. 2014. Original rule filed July 15, 1986, effective July 25, 1986. Amended: Filed Feb. 11, 1987, effective Feb. 21, 1987. Amended: Filed May 25, 2000, effective Nov. 30, 2000. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Rescinded: Filed Dec. 27, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—Draw Game**

PROPOSED RESCISSION

12 CSR 40-85.090 Cancellation of or Failure to Enter Draw Game Tickets. This rule provided for suspension or revocation of licenses for retailers who knowingly canceled a draw game ticket without being requested to do so by the player or who failed to enter the play as requested.

PURPOSE: This rescission permits the provisions currently in this rule to be moved to another rule in the chapter that primarily governs retailers, combining different bases for retailer license discipline from multiple rules in that rule.

AUTHORITY: section 313.220, RSMo Supp. 2014. Original rule filed Sept. 15, 1986, effective Sept. 25, 1986. Amended: Filed Nov. 14, 1986, effective Nov. 24, 1986. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Rescinded: Filed Dec. 27, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—Draw Game**

PROPOSED RESCISSION

12 CSR 40-85.100 Change of Location or of Business Organization for Draw Game Retailer. This rule set forth certain criteria for a change of location or of business organization for draw game retailer.

PURPOSE: This rescission permits some provisions currently in this rule to be moved to another rule in the chapter that primarily governs retailers, combining different bases for retailer license discipline from multiple rules in that rule and clarifying retailer requirements with respect to changes of information.

AUTHORITY: section 313.220, RSMo Supp. 2014. Original rule filed Nov. 14, 1986, effective Nov. 24, 1986. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Rescinded: Filed Dec. 27, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 85—Draw Game**

PROPOSED RESCISSION

12 CSR 40-85.170 Game Sell-Out Prohibited. This rule prevented a purchaser from covering all combinations for a jackpot/grand prize.

PURPOSE: This rescission permits the provisions currently in this rule to be moved to another rule in the chapter that primarily governs tickets and prizes, combining different requirements relating to tickets and prizes into fewer rules.

AUTHORITY: section 313.220, RSMo Supp. 2014. Original rule filed Sept. 17, 1992, effective June 7, 1993. Amended: Filed Aug. 24, 2004, effective March 30, 2005. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Rescinded: Filed Dec. 27, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 90—Specific Scratchers Game Rule**

PROPOSED RESCISSION

12 CSR 40-90.110 Designation of Specifics for Each Scratchers Game. This rule required the director to publish the specifics for

each Scratchers game one (1) week before the game started.

PURPOSE: This rescission moves the provisions currently in this rule to another rule in the chapter that primarily governs Scratchers, consistent with proposed amendments, and combines different requirements relating to winning Scratchers tickets and to validation of those tickets into fewer rules, eliminating the need for this chapter.

AUTHORITY: section 313.220, RSMo Supp. 2014. Original rule filed April 9, 1986, effective April 19, 1986. Amended: Filed June 3, 1999, effective Dec. 30, 1999. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Rescinded: Filed Dec. 27, 2017.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-120.011 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1145-1146). Changes to the proposed amendment are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments from five (5) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Bryan Crump, Cedar Creek Homes; Timothy L. DeVine, Your Home Center L.L.C.; Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA; and the MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff) and the Office of the Public Counsel (Public Counsel). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel

representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom Hagar. The industry representatives opposed many of the proposed amendments in other rules being promulgated simultaneously with this rule on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and supported these amendments. Staff also proposed a change to the rule. Public Counsel made a general comment about citation.

COMMENT #1: Public Counsel suggested in a written comment that "Chapter 127" be identified as an administrative rule so that it was not mistaken as a statute.

RESPONSE: Public Counsel may have been commenting on a draft of the amended rule. The suggested change was made prior to publication.

COMMENT #2: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #3: Mr. Smith and Mr. DeVine filed written comments opposing the complete package of rule changes in general, though not specifically the changes in this rule. The commenters stated that the changes to manufactured housing rules would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE: Numerous changes have been made to other manufactured housing rules in response to industry and staff comments. However, because the changes proposed to this rule relate only to defining terms and adding citations, no changes have been made as a result of these comments.

COMMENT #4: An "official statement" was received from the MMHA regarding the proposed amendments to all the manufactured housing rules. However, MMHA referred only to 4 CSR 240-120.011. Specifically, with regard to this rule, MMHA indicated that it disagreed with the private cost statement. MMHA suggested that this amendment would cost small businesses thousands of dollars.

RESPONSE: The amendments being made to this rule will add a citation to 4 CSR 240-127, replace the word "code" with "commission rules" and remove defined terms that will be placed in another chapter of manufactured housing regulations. Thus, the private cost of this particular rule continues to be estimated at no more than five hundred dollars (\$500) in the aggregate. Therefore, no changes have been made to this rule as a result of this comment. The commission will consider MMHA's written comment in the context of other manufactured housing rules being amended simultaneously with this rule.

COMMENT #5: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the

rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #6: Staff supported the proposed amendments to this rule and explained that the amendments were being proposed in order to streamline all of the commission's manufactured housing regulations. These particular amendments would consolidate most definitions into one (1) location. Staff also recommended deleting the word "shall" in section (1) as it was superfluous.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff that consolidating these definitions will streamline the regulations. It will also adopt the recommended deletion of the word "shall" in section (1).

4 CSR 240-120.011 Definitions

(1) The following definitions, as well as those set out in section 700.010, RSMo, and 4 CSR 240-127 apply to this chapter:

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 120—New Manufactured Homes

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-120.031 Administration and Enforcement is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1146). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from three (3) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Timothy L. DeVine, Your Home Center L.L.C.; and Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA. The commission also received timely written comments about this rule from the staff of the Missouri Public Service Commission (staff). At the public hearing, comments about this rule were received from four (4) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump, Cedar Creek Homes; and Jamie Smith. The industry representatives opposed many of the proposed amendments to rules filed simultaneously with this rule on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and supported the amendments.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in

the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. Smith and Mr. DeVine filed written comments opposing the complete package of rule changes in general, though not specifically the changes in this rule. The commenters stated that the changes to manufactured housing rules would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE: Numerous changes have been made to other manufactured housing rules in response to industry and staff comments. However, no changes have been made to this particular rule as a result of these comments.

COMMENT #3: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #4: Staff supported the proposed amendments to this rule and explained that the amendments were being proposed in order to clearly set out the powers and responsibilities that are and are not delegated to the Program Manager.

RESPONSE: The commission agrees with staff that this proposed amendment will clarify the Program Manager's powers and responsibilities.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 120—New Manufactured Homes

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-120.060 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1146-1147). Changes to the proposed amendment are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from three (3) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Timothy L. DeVine, Your Home Center L.L.C.; and Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA. The commission also received timely written comments

about this rule from the staff of the Missouri Public Service Commission (staff). At the public hearing, comments about this rule were received from four (4) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump, Cedar Creek Homes; and Jamie Smith. The industry representatives opposed many of the proposed amendments to rules filed simultaneously with this rule on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and supported the amendments.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. Smith and Mr. DeVine filed written comments opposing the complete package of rule changes in general, though not specifically the changes in this rule. The commenters stated that the changes to manufactured housing rules would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE: Numerous changes have been made to other manufactured housing rules in response to industry and staff comments. However, no changes to this particular rule have been made as a result of these comments.

COMMENT #3: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #4: Staff supported the proposed amendments to this rule with some further changes. Staff explained that the amendments as originally proposed would have corrected the title of the individual responsible for the commission's manufactured housing department from "director" to "manager." Staff explained that the proposed amendments would have also required the manager to file a complaint with the commission as the method for rejecting an application for registration or refusing to renew or suspend a registration. Staff also explained that the proposed amendments would require a manufactured housing dealer to keep a bill of sale on file for five (5) years. Staff proposed an additional amendment in furtherance of the Governor's Executive Order 17-03, to make the rule less restrictive by making the inspection of books and records discretionary.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff and will make the rule less restrictive by amending the language as suggested.

4 CSR 240-120.060 Inspections

(1) The manager may inspect the books, records, inventory, and

premises of manufacturers and dealers of new manufactured homes, from time-to-time during normal business hours, to ascertain if a manufacturer or dealer is complying with Chapter 700, RSMo as it relates to new manufactured homes, this chapter, the federal standards, and the Housing and Urban Development regulations and also to ascertain if grounds exist under section 700.100, RSMo to file a complaint with the commission to reject an application for registration filed under section 700.090, RSMo or to refuse to renew, suspend, revoke, or place on probation a registration which has been made under section 700.090, RSMo.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 120—New Manufactured Homes

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-120.065 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1147-1150). Changes to the proposed amendment are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from seven (7) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Bryan Crump, Cedar Creek Homes; Daniel Ferrell, MMHA; Timothy L. DeVine, Your Home Center L.L.C.; Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA; Tony Taylor, Gifford Homes, Inc.; and the MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom Hagar. In addition, staff offered the written comment of Missouri Senator Sandy Crawford which was received after the comment period closed but prior to the hearing. The industry representatives and Senator Crawford opposed many of the proposed amendments on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and generally supported those amendments. However, staff also proposed additional significant changes to the rules.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing

that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #3: Mr. DeVine filed written comments opposing the complete package of rule changes in general, and specifically stating that the changes with regard to fees and "re-inspections" would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE AND EXPLANATION OF CHANGE: Numerous changes have been made to this rule in response to the industry, including Mr. DeVine, and staff comments. Specific changes make the fee implementation discretionary after consultation with the staff director and reports to the commission of the monetary effect of the changes on the industry.

COMMENT #4: Senator Crawford, Mr. Smith, Mr. AuBuchon, Mr. Crump, Mr. Ferrell, Mr. Taylor, Mr. Hagar, and the MMHA made written and oral comments opposing the amendments for similar reasons. In general, the commenters stated that the amendments were burdensome to the industry, would ultimately cause additional expense to the consumers, and would deter manufacturing in the state. Specifically, the industry objected to the one- (1-) year and two- (2-) year inspection periods as set out in proposed subsections (2)(B) and (2)(C). Some of the industry representatives stated that the period for the manager to conduct his inspections should be limited to one hundred twenty (120) days, although the general consensus of the industry was that there should be no more than one (1) year to conduct an inspection.

The commenters stated that most "stick built" homes in Missouri do not have to comply with any building codes and at most have only a one- (1-) year warranty. They explained that manufactured homes must comply with Housing and Urban Development (HUD) regulations on building, which are very strict. For these reasons, the manufactured housing industry stated it is at a competitive disadvantage. Additionally, the manufactured housing representatives stated that allowing the manager to conduct an initial setup inspection up to two (2) years after the home was setup was too long. They stated that they had no control over changes to the yard or home that homeowners would do or the effects that weather would have on the setup and thus, it would be unfair to have an inspection after one hundred twenty (120) days. The industry representatives stated that, in essence, this was requiring the dealers to give the consumers a two- (2-) year warranty on the home.

Additionally, the commenters stated that Missouri does more inspections and enforcement than its neighboring states, which only inspect homes due to consumer complaints and not on their own initiative. The commenters indicated that in general the industry wanted the inspection and regulatory process, but that the inspections should be in response to complaints, not be done for the sake of creating work for the inspectors. Further, the commenters stated that under the current rules, the industry was accelerating their reporting to the manager and, therefore, the manager should have the information necessary to conduct inspections sooner.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comments with regard to the one- (1-) year and two- (2-) year inspection periods. The manager currently only inspects about forty percent (40%) of new manufactured homes. The

commission finds that these inspections are a benefit and enhance safety for the manufactured house homeowners. Thus, the commission determines that a one- (1-) year period to conduct an initial setup inspection is not unreasonable. Further, subsection (2)(C) is being amended such that the two- (2-) year period only applies to inspections related to code violations. The commission finds that consumers will be protected from potentially dangerous code violations if the timeframe to conduct an initial setup inspection based on a written consumer complaint remains at two (2) years. However, to reduce the potential burden on the industry, the commission will further amend subsection (2)(C) to limit fees and inspections to situations where an initial inspection was not performed.

COMMENT #5: Senator Crawford, Mr. Smith, Mr. AuBuchon, Mr. Crump, Mr. Ferrell, Mr. Taylor, and the MMHA opposed changing the imposition of fees for not complying with the statutes and regulations from discretionary to mandatory. The commenters stated that this change was too harsh and was unnecessary. The commenters stated that the industry had a few bad actors that needed to have regulatory fees applied, but the majority of the industry operated within the requirements and were upstanding businesses. Several of the commenters cited to a reduction in consumer complaints since training and licensing for home installers has been implemented in Missouri in 2009.

RESPONSE AND EXPLANATION OF CHANGE: The commission determines that the enforcement actions and fees should not be automatic or mandatory in nature. Rather, as staff has suggested in its comments set out below, the enforcement of fees or discipline should be carried out after an attempt to communicate with the entity involved and after consultation with the staff director. During this consultation, potential mitigating factors, including, but not limited to, the number of similar noncompliance issues, circumstances that may have been beyond the entity's control, and the entity's responsiveness to commission requirements should be considered. The commission has also deleted a proposed requirement for the manager to open an investigation in subsection (1)(D). Further, in response to the industry's concern that inspections not just be done in order to employ inspectors and in order to maintain oversight of the manager and the fee and waiver process, the commission determines that the manager should track any fees assessed or waived under subsection (1)(D) and paragraph (2)(A)1. of the rule and provide a report on a quarterly basis to the commission. Therefore, the commission has further amended subsection (1)(D) and paragraph (2)(A)1. of the rule.

COMMENT #6: Staff filed comments generally supporting the amendments, but also suggested some changes due to input from the industry and due to Executive Order 17-03. Staff explained the reason for the original proposed amendments was to comply with a report of the state auditor by removing the discretion to impose fees from the manager and placing it with the commission. The reporting period for submitting property locator forms was also extended from forty-eight (48) hours to five (5) days and the enforcement of the fee for late filing became mandatory with a procedure for waiver by the commission. After meeting with industry representatives and considering their comments and Executive Order 17-03, staff recommended that the mandatory nature of the fees be removed and the discretion be left with the manager, but only after consultation with the staff director and consideration of specific criteria set out in the rule. Staff also recommended that the one- (1-) year and two- (2-) inspection periods remain; however, it suggested language to clarify that the two- (2-) year inspection period was only applicable if there had been no initial inspection. Staff stated that this would avoid fees and inspections where an initial inspection had been completed.

RESPONSE AND EXPLANATION OF CHANGE: In consideration of the comments of staff in conjunction with the comments of the industry representatives, the commission determines that the rule should be further amended.

The commission determines that the enforcement actions and fees should not be automatic or mandatory in nature. Rather, as staff has suggested, the enforcement of fees or discipline should be carried out after an attempt to communicate with the entity involved and after consultation with the staff director. During this consultation, potential mitigating factors, including, but not limited to, the number of similar noncompliance issues, circumstances that may have been beyond the entity's control, and the entity's responsiveness to commission requirements should be considered. Further, in order to maintain oversight of the manager and the fee and waiver process, the commission determines that the manager should track any fees assessed or waived under subsection (1)(D) and paragraph (2)(A)1. of the rule and provide a report on a quarterly basis to the commission. Therefore, the commission has further amended subsection (1)(D) and paragraph (2)(A)1. of the rule.

The commission has also considered the comments with regard to the one- (1-) year and two- (2-) year inspection periods. The manager currently only inspects about forty percent (40%) of new manufactured homes. The commission believes that these inspections are a benefit and enhance safety for the manufactured house homeowners. Thus, the commission determines that a one- (1-) year period to conduct an initial set-up inspection is not unreasonable. Further, the commission finds that consumers will be protected from potentially dangerous code violations if the timeframe to conduct an inspection based on a written consumer complaint, where no initial inspection was completed, remains at two (2) years. Therefore, to reduce the potential burden on the industry, the commission will further amend subsection (2)(C) to avoid duplicate fees and inspections.

COMMENT #7: Mr. Crump also commented that the reporting requirements need to be further reduced as they were too onerous.

RESPONSE: The commission is in the process of implementing a new computerized reporting system that should greatly simplify reporting requirements. Therefore, the commission will not make any changes to the rule at this time as a result of this comment.

4 CSR 240-120.065 Manufactured Home Dealer Setup Responsibilities

(1) Manufactured Home Dealer Setup.

(C) If a dealer fails to arrange for the proper initial setup of a manufactured home, the commission may discipline the dealer's registration by suspending, revoking, or placing the registration on probation, pursuant to the provisions of section 700.100, RSMo, if the manager provides evidence to the commission, incident to an inspection, under subsections (2)(B) or (2)(C) of this rule, of set up deficiencies.

(D) The manager, in consultation with the commission staff director, after attempting to contact the entity involved and documenting consideration of potential mitigating factors, including, but not limited to, the number of similar non-compliance issues, circumstances beyond the entity's control, and the entity's responsiveness to commission requirements, may assess a two hundred dollar (\$200) inspection fee to dealers that fail to hire commission licensed installers to set up a home. The manager will track fees assessed or waived under this provision, along with any documented consideration of mitigating factors, and compile a quarterly report summarizing such information for review by the commission.

(2) Manufactured Home Inspections.

(A) A dealer who sells a new manufactured home shall submit to the manufactured housing and modular units program a property locator indicating the destination of the home within five (5) business days of the date the home leaves the dealer's location or the manufacturer's location if the home is shipped directly to the consumer. For multi-section homes the five (5) business days begins when the first section leaves the dealer's or manufacturer's location. The dealer shall use the property locator form provided by the commission.

1. The manager, in consultation with the commission staff director, after attempting to contact the entity involved and documenting consideration of potential mitigating factors, including, but not limited to, the number of similar non-compliance issues, circumstances beyond the entity's control, and the entity's responsiveness to commission requirements, may assess a fifty dollar (\$50) per home inspection fee to dealers who fail to submit the property locator within five (5) business days from the due date. The manager will track fees assessed or waived under this provision, along with any documented consideration of mitigating factors, and compile a quarterly report summarizing such information for review by the commission.

2. The manager may commence an action to discipline a dealer's registration for failure to timely report property locators or make payment upon property locator home inspection fees if the commission has assessed no fewer than two (2) property locator home inspection fees against the dealer within the previous twelve (12) months of the due date of the property locator at issue.

(C) Within two (2) years of the delivery date of the home to the consumer, if no initial inspection was performed pursuant to subsection (2)(B) of this rule, the manager may conduct an inspection of the home for code violations upon the receipt of a formal written complaint by the consumer.

(E) Should an initial inspection identify no code violations, or any re-inspection verify that corrections have been made to address code violations identified on an initial inspection report, the manager shall issue a notice of completion indicating no outstanding issues remain to be addressed. Such notice shall be issued to each responsible entity. A complainant shall also be issued a notice of completion should an initial inspection occur subsequent to a consumer complaint. Such notice shall be issued within twenty (20) days from the date of the final inspection or re-inspection. This notice is intended to notify parties when the manager has completed an inspection process, and will not serve to indemnify any responsible party from any future liability.

(3) Manufacturers shall mail or deliver to the manager by the tenth day of each month a report that identifies, by make, model, and serial number, the new manufactured homes to which certification labels have been affixed since the previous report. Such report shall also include the certification label number for each such manufactured home.

REVISED PRIVATE COST: The cost to private entities is estimated to be twenty-three thousand four hundred dollars (\$23,400) in the aggregate over a three- (3-) year life of the rule. The private entity cost for three (3) years was previously estimated as thirty-two thousand dollars (\$32,000).

**REVISED FISCAL NOTE
PRIVATE COST**

- I. Department Title: Missouri Department of Economic Development**
Division Title: Missouri Public Service Commission
Chapter Title: Chapter 120 – New Manufactured Homes

Rule Number and Title:	4 CSR 240-120.065 Inspections
Type of Rulemaking:	Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate as to the cost of compliance with the rule by the affected entities in the aggregate over a three-year life of the rule:
156 per year	Regulated dealers of new manufactured homes	\$23,400.00

III. WORKSHEET

Under the existing rule, the Manager may seek to enforce a fee for failure to report a property locator within forty-eight (48) hours of a modular unit leaving a dealer or manufacturers' location in route to a consumer. Had penalties been assessed as provided by rule, regulated parties would have been assessed nearly \$2,650 per quarter or \$10,600 annually. When projected over three years, the fee collected could have been nearly \$32,000.

The additional proposed amendments extend compliance deadlines by three (3) business days, extend fee assessment timelines by eight (8) business days.

Based on historical records, it is estimated there will be 156 annual occurrences where fees could be assessed.

$$156 \text{ occurrences} * \$50 \text{ fee} * 3 \text{ years} = \$23,400$$

The amount of the fee proposed is the same amount currently applied in the existing rule.

IV. ASSUMPTIONS

The estimated aggregate cost assumes that the \$50 fee is assessed in every instance where there is a rule violation. The proposed amendment establishes a process that will be used to determine whether a fee will be assessed or waived, and includes a quarterly review process by the Commission. These processes are expected to reduce the estimated fiscal impact of this rule.

The estimated aggregate cost of compliance assumes the projected cost over a three year period.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-120.070 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1151). Changes to the proposed amendment are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments from four (4) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Bryan Crump, Cedar Creek Homes; Timothy L. DeVine, Your Home Center L.L.C.; and Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom Hagar. The industry representatives opposed many of the proposed amendments on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and generally supported those amendments. However, staff also proposed significant changes to the rules.

COMMENT #1: Mr. Crump commented that the reporting requirements need to be further reduced as they were too onerous.

RESPONSE: The commission is in the process of implementing a new computerized reporting system that should greatly simplify reporting requirements. Therefore, the commission will not make any changes to the rule at this time as a result of this comment.

COMMENT #2: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #3: Mr. Smith and Mr. DeVine filed written comments opposing the complete package of rule changes in general, though not specifically the changes in this rule. The commenters stated that the changes to manufactured housing rules would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE: Numerous changes have been made to other manufactured housing rules in response to industry and staff comments. However, because the commission is removing its reporting requirement from this rule and the remaining requirements are federal requirements, no changes have been made as a result of these comments.

COMMENT #4: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #5: Staff filed comments suggesting that section (2) be deleted. Staff stated that it was recommending putting the revised language from section (2) in rule 4 CSR 240-120.065, and therefore, it was no longer needed. Staff also suggested deleting section (1) of the rule because it was merely a restatement of a federal requirement.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff that section (2) should be deleted as the language is better suited for rule 4 CSR 240-120.065 and the commission has made the corresponding change to that rule. Therefore, the commission will delete section (2). However, because section (1) was not published for amendment, the commission cannot delete that section at this time. Thus, the commission will begin a new rulemaking process to rescind this rule once these changes are final. The commission will amend the purpose of the rule to reflect the deletion of section (2).

4 CSR 240-120.070 Manufacturers and Dealers Reports

PURPOSE: This rule provides that manufacturers and dealers shall file reports with the secretary of Housing and Urban Development as may be required under Section 614 of the Act, 42 U.S.C. 5413.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-120.080 Commission Reports is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1151). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received one (1) written comment regarding this rule from the staff of the commission. Staff explained the original amendment and proposed complete rescission of the rule as unnecessary.

COMMENT #1: Staff commented that originally, amendments were proposed to change the title of the person responsible for the program. However, upon further review of the rules in conjunction with

Executive Order 17-03, staff recommends that this rule be rescinded in its entirety because it simply restates a federal requirement imposed on the manager.

RESPONSE: The commission cannot rescind the rule at this time, because it was not noticed as a rescission in the *Missouri Register*. Thus, the commission will make the original proposed changes and consider a rescission once these changes are final.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-120.085 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1151-1155). Changes to the proposed amendment are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from seven (7) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Bryan Crump, Cedar Creek Homes; Daniel Ferrell, MMHA; Timothy L. DeVine, Your Home Center L.L.C.; Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA; Tony Taylor, Gifford Homes, Inc.; and the MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom Hagar. In addition, staff offered the written comment of Missouri Senator Sandy Crawford which was received after the comment period closed but prior to the hearing. The industry representatives and Senator Crawford opposed many of the proposed amendments on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and generally supported those amendments. However, staff also proposed additional significant changes to the rules.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously

promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #3: Mr. DeVine filed written comments opposing the complete package of rule changes in general, and specifically stating that the changes with regard to fees and "re-inspections" would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE AND EXPLANATION OF CHANGE: Numerous changes have been made to this rule in response to the industry, including Mr. DeVine, and staff comments. Specific changes make the fee implementation discretionary after consultation with the staff director and reports to the commission of the monetary effect of the changes on the industry.

COMMENT #4: Senator Crawford, Mr. Smith, Mr. AuBuchon, Mr. Crump, Mr. Ferrell, Mr. Taylor, Mr. Hagar, and the MMHA made written and oral comments opposing the amendments for similar reasons. In general, the commenters stated that the amendments were burdensome to the industry, would ultimately cause additional expense to the consumers, and would deter manufacturing in the state. Specifically, the industry objected to the one- (1-) year and two- (2-) year inspection periods as set out in 4 CSR 240-120.065, and those comments were addressed in that rule. The industry also expressed concern for having a home setup inspected initially by the manager on his own volition and then possibly being subject to a second inspection because of a customer complaint.

Additionally, the commenters stated that Missouri does more inspections and enforcement than its neighboring states, which only inspect homes due to consumer complaints and not on their own initiative. The commenters indicated that in general the industry wanted the inspection and regulatory process, but that the inspections should be in response to complaints, not be done for the sake of creating work for the inspectors.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comments of the industry in conjunction with the comments of staff. Subsections (1)(C) and (2)(B) are being amended to remove the mandatory nature of the fees and creating a process for consideration of specific criteria by the manager in consultation with the staff director. Additionally, in order to maintain proper oversight of the implementation of fees, the commission is adding reporting requirements for the manager.

COMMENT #5: Senator Crawford, Mr. Smith, Mr. AuBuchon, Mr. Crump, Mr. Ferrell, Mr. Taylor, and the MMHA opposed changing the imposition of fees for not complying with the statutes and regulations from discretionary to mandatory. The commenters stated that this change was too harsh and was unnecessary. The commenters stated that the industry had a few bad actors that needed to have regulatory fees applied, but the majority of the industry operated within the requirements and were upstanding businesses. Several of the commenters cited to a reduction in consumer complaints since training and licensing for home installers has been implemented in Missouri in 2009.

RESPONSE AND EXPLANATION OF CHANGE: The commission determines that the enforcement actions and fees should not be automatic or mandatory in nature. Rather, as staff has suggested in its comments set out below, the enforcement of fees or discipline should be carried out after an attempt to communicate with the entity involved and after consultation with the staff director. During this

consultation, potential mitigating factors, including, but not limited to, the number of similar noncompliance issues, circumstances that may have been beyond the entity's control, and responsiveness to commission requirements should be considered. Further, in response to the industry's concern that inspections not just be done in order to employ inspectors and in order to maintain oversight of the manager and the fee and waiver process, the commission determines that the manager should track any fees assessed or waived under subsections (1)(C) and (2)(B) of the rule and provide a report on a quarterly basis to the commission. Therefore, the commission has further amended subsections (1)(C) and (2)(B) of the rule.

COMMENT #6: Staff filed comments generally supporting the amendments, but also suggested some changes due to input from the industry and due to Executive Order 17-03. Staff explained the reason for the original proposed amendments was to comply with a report of the state auditor by removing the discretion to impose fees from the manager and placing it with the commission. A fee schedule was implemented to add clarity where multiple inspections were needed. Additionally, a section was added for suspension of a registration for failure to pay the re-inspection fees and make corrective action and a section was added to govern the process of requesting a waiver of fees.

After meeting with industry representatives and considering their comments and Executive Order 17-03, staff recommended that minor wording changes be made to proposed subsection (1)(B) and sections (5), (6), (7), and (8). Staff recommended that subsection (5) be changed to remove the reference to a commission form. Staff recommended changes to section (7) to remove a sentence detailing the length of suspension and recommended deleting section (9) because it was unnecessary. Additionally, at the hearing and in written comments, staff recommended that proposed subsections (1)(C) and (2)(B) be changed so that the mandatory nature of the fees is removed and discretion remains with the manager. Staff also recommended that the manager be required to consult with the staff director and that the rule set out specific criteria to be considered.

RESPONSE AND EXPLANATION OF CHANGE: In consideration of the comments of staff in conjunction with the comments of the industry representatives, the commission determines that the rule should be further amended.

The commission determines that the enforcement actions and fees should not be automatic or mandatory in nature. Rather, as staff has suggested, the enforcement of fees or discipline should be carried out after an attempt to communicate with the entity involved and after consultation with the staff director. During this consultation, potential mitigating factors, including, but not limited to, the number of similar noncompliance issues, circumstances that may have been beyond the entity's control, and responsiveness to commission requirements should be considered. Further, in order to maintain oversight of the manager and the fee and waiver process, the commission determines that the manager should track any fees assessed or waived under subsections (1)(C) and (2)(B) of the rule and provide a report on a quarterly basis to the commission. Therefore, the commission has further amended those subsections.

The commission has also considered the other changes suggested by staff and finds them to be appropriate. Thus, the commission will further amend proposed subsection (1)(C) and proposed sections (6), (7), and (8) and will delete proposed section (9). The commission rejects certain language changes proposed by staff because further clarification is needed. The commission adds clarifying language so that some sections are reworded and unnecessary language is deleted. Additionally, proposed section (5) is deleted and the following sections are renumbered.

4 CSR 240-120.085 Re-Inspection and Re-Inspection Fee

(1) Re-inspections subsequent to routine inspections of new manufactured homes.

(C) The manager, in consultation with the commission staff direc-

tor, after attempting to contact the entity involved and documenting consideration of potential mitigating factors, including, but not limited to, the number of similar non-compliance issues, circumstances beyond the entity's control, and the entity's responsiveness to commission requirements, may assess re-inspection fee(s) of two hundred dollars (\$200) for any re-inspection subsequent to the first re-inspection. The fee is charged to the dealer, installer, or the manufacturer who was responsible for making the corrections and completing the corrections. The manager will track fees assessed or waived under this provision, along with any documented consideration of mitigating factors, and compile a quarterly report summarizing such information for review by the commission.

(2) Re-inspections subsequent to a consumer complaint.

(B) The manager, in consultation with the commission staff director, after attempting to contact the entity involved and documenting consideration of potential mitigating factors, including, but not limited to, the number of similar non-compliance issues, circumstances beyond the entity's control, and the entity's responsiveness to commission requirements, may assess the dealer, installer, or the manufacturer, or each entity, a fee for the re-inspection(s) if the dealer, installer, or the manufacturer responsible for making the required corrections fails to complete the required corrections within sixty (60) days of receipt of a consumer complaint. The fee shall not be charged to the dealer, installer, or the manufacturer who is responsible for making the required corrections if, during the re-inspection, it is found that the required corrections have been corrected within sixty (60) days of the initial inspection. The manager will track fees assessed or waived under this provision, along with any documented consideration of mitigating factors, and compile a quarterly report summarizing such information for review by the commission.

(3) The re-inspection shall address all violations listed in the initial inspection report. A copy of the re-inspection report shall be forwarded to the manufacturer, installer, or dealer, or each responsible entity, and the consumer, if applicable, within ten (10) days from the date of the re-inspection, for corrective action as well as an invoice for the re-inspection fee, if applicable.

(5) The fee for all inspections requested by third parties is four hundred dollars (\$400), except the fee for third party inspection requests for the purpose of serial number verification is two hundred dollars (\$200). Requests for inspections by third parties must be submitted in writing to the manufactured housing and modular units program along with the associated inspection fee. Licensed manufacturers or dealers are not considered third parties.

(6) If the manufacturer, installer, or dealer has not paid the re-inspection fee within thirty (30) days of the prescribed date, the manager may file a complaint and the commission may suspend the manufacturer, installer, or dealer certificate or registration.

(7) The following situations constitute grounds for the denial, revocation, or placing on probation of a manufacturer, installer, or dealer certificate of registration:

(A) Failure to pay a re-inspection fee by the prescribed due date for two (2) consecutive months; or

(B) Failure to pay a re-inspection fee by the prescribed due date for any four (4) of the preceding twelve (12) months.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 120—New Manufactured Homes

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-120.090 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1156-1158). Changes to the proposed amendment are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from two (2) manufactured housing industry representatives: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); and Timothy L. DeVine, Your Home Center L.L.C. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff). At the public hearing testimony was received from five (5) commenters about this rule: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA; Bryan Crump, Cedar Creek Homes; and Tom Hagar. The industry representatives opposed many of the proposed amendments on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and generally supported those amendments. However, staff also proposed additional significant changes to the rules.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #3: Mr. DeVine filed written comments opposing the complete package of rule changes in general, but not specifically the proposed changes to this rule.

RESPONSE: Numerous changes have been made to this and other manufactured housing rules in response to industry and staff comments. However, no changes have been made to this particular rule as a result of these comments.

COMMENT #4: Staff filed comments generally supporting the amendments, but also made suggestions for additional changes. Staff explained that the original amendments propose expanding from eight (8) days to fifteen (15) days the time within which the manager

can perform an inspection after receiving an application to alter new manufactured homes. Staff also suggested removing subsections (2)(A)-(D) in order to remove information required on the commission form, and suggested removing the form from the rule. Staff suggested adding a reference to the commission's website where the form is located.

RESPONSE AND EXPLANATION OF CHANGE: In consideration of the comments of staff the commission determines that the rule should be further amended as staff suggests. Therefore, the commission will further amend section (2).

4 CSR 240-120.090 Inspection and Approval of Alterations

(2) Manager approval of alterations shall be requested by a written application executed on a commission approved form available on the commission's website at www.psc.mo.gov, or from the manager upon request. Applications may be submitted only by the person or entity who owns the new manufactured home to which the alteration for which approval is sought has been made.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 120—New Manufactured Homes

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-120.100 Code is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1158). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from three (3) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Timothy L. DeVine, Your Home Center L.L.C.; and Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA. The commission also received timely written comments about this rule from the staff of the Missouri Public Service Commission (staff). At the public hearing, comments about this rule were received from four (4) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump, Cedar Creek Homes; and Jamie Smith. The industry representatives opposed many of the proposed amendments to rules filed simultaneously with this rule on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and supported the amendments.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in

the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. Smith and Mr. DeVine filed written comments opposing the complete package of rule changes in general, though not specifically the changes in this rule. The commenters stated that the changes to manufactured housing rules would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE: Numerous changes have been made to other manufactured housing rules in response to industry and staff comments. However, no changes have been made to this particular rule as a result of these comments.

COMMENT #3: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #4: Staff supported the proposed amendments to this rule and explained that the amendments were being proposed in order to add the federal statutory citation of the law to be applied to new manufactured homes.

RESPONSE: The commission agrees that the amendment is appropriate.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

**4 CSR 240-120.110 Complaints and Review of Manager Action(s)
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1158–1159). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from three (3) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Timothy L. DeVine, Your Home Center L.L.C.; and Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors

of MMHA. The commission also received timely written comments about this rule from the staff of the Missouri Public Service Commission (staff). At the public hearing, comments about this rule were received from four (4) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump, Cedar Creek Homes; and Jamie Smith. The industry representatives opposed many of the proposed amendments to rules filed simultaneously with this rule on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and supported the amendments.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. Smith and Mr. DeVine filed written comments opposing the complete package of rule changes in general, though not specifically the changes in this rule. The commenters stated that the changes to manufactured housing rules would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE: Numerous changes have been made to other manufactured housing rules in response to industry and staff comments. However, no changes have been made to this particular rule as a result of these comments.

COMMENT #3: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #4: Staff supported the proposed amendments to this rule and explained that the amendments were being proposed in order to add the federal statutory citation of the law to be applied and to change the name of the head of the manufactured housing program at the commission.

RESPONSE: The commission agrees that the amendments are appropriate.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-120.120 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1159). Changes to the proposed amendment are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from two (2) manufactured housing industry representatives: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); and Timothy L. DeVine, Your Home Center L.L.C. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff). At the public hearing testimony was received from five (5) commenters about this rule: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA; Bryan Crump, Cedar Creek Homes; and Tom Hagar. The industry representatives opposed many of the proposed amendments on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and generally supported those amendments. However, staff also proposed additional significant changes to the rules.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #3: Mr. DeVine filed written comments opposing the complete package of rule changes in general, but not specifically the proposed changes to this rule.

RESPONSE: Numerous changes have been made to this and other manufactured housing rules in response to industry and staff comments. However, no changes have been made to this particular rule as a result of these comments.

COMMENT #4: Staff filed comments supporting the amendments, but also made suggestions for an additional change to make the denial of an application discretionary instead of mandatory. Staff explained that the original amendments were also proposed to remove

the mandatory nature of the rule.

RESPONSE AND EXPLANATION OF CHANGE: In consideration of the comments of staff the commission determines that the rule should be further amended as staff suggests. Therefore, the commission will further amend section (3).

4 CSR 240-120.120 Criteria for Good Moral Character for Registration of Manufactured Home Dealers

(3) If the commission finds an applicant lacks good moral character as outlined in subsection (1)(A) or (1)(B) of this rule, the commission may deny the application for registration.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 120—New Manufactured Homes

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-120.130 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1159–1160). Changes to the proposed amendment are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from six (6) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Bryan Crump, Cedar Creek Homes; Timothy L. DeVine, Your Home Center L.L.C.; Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA; Tony Taylor, Gifford Homes, Inc.; and the MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom Hagar. The industry representatives opposed many of the proposed amendments on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and generally supported those amendments. However, staff also proposed additional significant changes to the rules.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon

gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #3: Mr. DeVine filed written comments opposing the complete package of rule changes in general, and specifically stating that the changes with regard to fees would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE AND EXPLANATION OF CHANGE: Numerous changes have been made to this rule in response to the industry, including Mr. DeVine, and staff comments. Specific changes make the fee implementation discretionary after consultation with the staff director and reports to the commission of the monetary effect of the changes on the industry.

COMMENT #4: Mr. Smith, Mr. AuBuchon, Mr. Crump, Mr. Taylor, and the MMHA opposed changing the imposition of fees for not complying with the statutes and regulations from discretionary to mandatory. The commenters stated that this change was too harsh and was unnecessary. The commenters stated that the industry had a few bad actors that needed to have regulatory fees applied, but the majority of the industry operated within the requirements and were upstanding businesses. Several of the commenters cited to a reduction in consumer complaints since training and licensing for home installers has been implemented in Missouri in 2009.

RESPONSE AND EXPLANATION OF CHANGE: The commission determines that the enforcement actions and fees should not be automatic or mandatory in nature. Rather, as staff has suggested in its comments set out below, the enforcement of fees or discipline should be carried out after an attempt to communicate with the entity involved and after consultation with the staff director. During this consultation, potential mitigating factors, including, but not limited to, the number of similar noncompliance issues, circumstances that may have been beyond the entity's control, and responsiveness to commission requirements should be considered. Further, in order to maintain oversight of the manager and the fee and waiver process, the commission determines that the manager should track any fees assessed or waived under this rule and provide a report on a quarterly basis to the commission. Therefore, the commission has further amended proposed section (8) and deleted proposed section (11).

COMMENT #5: Staff filed comments generally supporting the amendments, but also suggested some changes due to input from the industry and due to Executive Order 17-03. Staff explained the reason for the original proposed amendments was to comply with a report of the state auditor by removing the discretion to impose fees from the manager and placing it with the commission. Additionally, as originally proposed, actions against a dealer's registration were added for monthly reports not filed within sixty and ninety days of the due dates. After meeting with industry representatives and considering their comments and Executive Order 17-03, staff recommended that the mandatory nature of the fees be removed and the discretion be left with the manager, but only after consultation with the staff director and consideration of specific criteria set out in the rule. Staff also recommended wording changes and a reference to where the form was located in section (2) and the removal of sections (5) and (7) as they duplicated what was on the form. Staff also recommended the deletion of proposed section (11) because it was not needed when the other changes were made.

RESPONSE AND EXPLANATION OF CHANGE: In consideration of the comments of staff in conjunction with the comments of the industry representatives, the commission determines that the rule should be further amended.

The commission determines that the enforcement actions and fees should not be automatic or mandatory in nature. Rather, as staff has suggested, the enforcement of fees or discipline should be carried out after an attempt to communicate with the entity involved and after consultation with the staff director. During this consultation, potential mitigating factors, including, but not limited to, the number of similar noncompliance issues, circumstances that may have been beyond the entity's control, and the entity's responsiveness to commission requirements should be considered. Further, in order to maintain oversight of the manager and the fee and waiver process, the commission determines that the manager should track any fees assessed or waived under this rule and provide a report on a quarterly basis to the commission.

The commission also accepts the other changes suggested by staff. Therefore, the commission has further amended proposed sections (2) and (8), deleted proposed sections (5), (7), and (11), and renumbered the sections accordingly.

COMMENT #6: Mr. Crump also commented that the reporting requirements need to be further reduced as they were too onerous.

RESPONSE: The commission is in the process of implementing a new computerized reporting system that should greatly simplify reporting requirements. Therefore, the commission will not make any changes to the rule at this time as a result of this comment.

4 CSR 240-120.130 Monthly Report Requirement for Registered Manufactured Home Dealers

(2) Manufactured home dealers may only use the commission's form for monthly sales reports. This form may be obtained from the Missouri Public Service Commission, PO Box 360, Jefferson City, MO 65102, or at the website <http://psc.mo.gov>.

(5) The manager may reject monthly sales reports that are incomplete and require dealer's to submit corrected reports.

(6) The manager, in consultation with the commission staff director, after attempting to contact the entity and documenting consideration of potential mitigating factors, including, but not limited to, the number of similar non-compliance issues, circumstances beyond the entity's control, and the entity's responsiveness to commission requirements, may assess a late submission fee of fifty dollars (\$50) against a manufactured home dealer for each monthly sales report filed sixty (60) days after the due date. The manager will track fees assessed or waived under this provision, along with any documented consideration, and compile a quarterly report summarizing such information for review by the commission.

(7) The commission may suspend the dealer's registration for any report not submitted within sixty (60) days of the due date.

(8) Failure to submit a completed monthly report within ninety (90) days of due date and/or to pay any required fees could result in revocation of the dealer's registration under section 700.098, RSMo.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 120—New Manufactured Homes

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-120.140 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1160-1161). Changes to the proposed amendment are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from six (6) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Bryan Crump, Cedar Creek Homes; Timothy L. DeVine, Your Home Center L.L.C.; Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA; Tony Taylor, Gifford Homes, Inc.; and the MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom Hagar. The industry representatives opposed many of the proposed amendments on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and generally supported those amendments. However, staff also proposed additional significant changes to the rules.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #3: Mr. DeVine and Mr. Taylor filed written comments opposing the rule changes in general, and specifically stating that the changes with regard to fees would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE: The fee and reporting structure for this rule have not changed because of the amendments. Additionally, the commission, at the suggestion of staff discussed below, is adding a provision of granting waiver of the fees. Therefore, no additional changes are made in response to Mr. DeVine's comment.

COMMENT #4: Staff filed comments generally supporting the

amendments, but also suggested some changes. Staff explained the reason for the original proposed amendments was to clarify the intent of the rule and to add a section setting out a process for the manager to request waiver of fees from the commission. Staff recommended changes to section (2) and proposed sections (4) and (5) to remove restrictive language.

RESPONSE AND EXPLANATION OF CHANGE: In consideration of the comments of staff in conjunction with the comments of the industry representatives, the commission determines that the rule should be further amended. The commission accepts the clarifications made by staff to proposed sections (4) and (5). However, the commission rejects the wording change to section (2) as it does not add clarity or make the provision less restrictive. Therefore, the commission has further amended proposed sections (4) and (5).

COMMENT #5: Mr. Crump also commented that the reporting requirements need to be further reduced as they were too onerous.

RESPONSE: The commission is in the process of implementing a new computerized reporting system that should greatly simplify reporting requirements. Therefore, the commission will not make any changes to the rule at this time as a result of this comment.

4 CSR 240-120.140 New Manufactured Home Manufacturer's Inspection Fee

(4) The following situations constitute grounds for the denial, revocation, or placing on probation of a manufacturer's certificate of registration:

(A) Failure to pay the inspection fee by the prescribed due date for two (2) consecutive months; or

(B) Failure to pay the inspection fee by the prescribed due date for any four (4) of the preceding twelve (12) months.

(5) The manager shall submit to the commission any written request for a waiver of fees identified in this section, and the commission may grant such a waiver for good cause shown.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 121—Pre-Owned Manufactured Homes

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission withdraws a proposed amendment as follows:

4 CSR 240-121.010 Definitions is withdrawn.

A notice of proposed rulemaking containing the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1161). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding the entire package of rule amendments filed simultaneously from seven (7) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Bryan Crump, Cedar Creek Homes; Daniel Ferrell, MMHA; Timothy L. DeVine, Your Home Center L.L.C.; Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA; Tony Taylor, Gifford Homes, Inc.; and the MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff) and the Office of the Public

Counsel (Public Counsel). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom Hagar. In addition, staff offered the written comment of Missouri Senator Sandy Crawford which was received after the comment period closed but prior to the hearing. The industry representatives and Senator Crawford opposed many of the proposed amendments on the grounds that they would be burdensome on the manufactured housing industry. In written comments, staff explained the reason for the original proposed amendments and generally supported those amendments with changes. However, at hearing, staff proposed rescinding the entire chapter of rules rather than amending. Public Counsel made a comment about citation.

COMMENT #1: Public Counsel suggested in a written comment that "Chapter 127" be identified as an administrative rule so that it was not mistaken as a statute.

RESPONSE: Public Counsel may have been commenting on a draft of the amended rule. The suggested change was made prior to publication.

COMMENT #2: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #3: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #4: Staff and the industry representatives testified at the hearing that 4 CSR 240-121 was a potentially unnecessary chapter of regulations because it pertained to pre-owned manufactured homes, which cannot practically be brought up to code by the manufactured housing industry. Therefore, staff and the industry representative recommended that this chapter of rules be rescinded.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff and the industry representatives. However, because this chapter cannot be rescinded without going through the proper statutory and administrative processes, the commission will withdraw these proposed amendments and begin a new rulemaking to consider the rescission of this chapter of regulations.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 121—Pre-Owned Manufactured Homes**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission withdraws a proposed amendment as follows:

**4 CSR 240-121.020 Administration and Enforcement
is withdrawn.**

A notice of proposed rulemaking containing the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1161-1162). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding the entire package of rule amendments filed simultaneously from seven (7) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Bryan Crump, Cedar Creek Homes; Daniel Ferrell, MMHA; Timothy L. DeVine, Your Home Center L.L.C.; Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA; Tony Taylor, Gifford Homes, Inc.; and the MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom Hagar. In addition, staff offered the written comment of Missouri Senator Sandy Crawford which was received after the comment period closed but prior to the hearing. The industry representatives and Senator Crawford opposed many of the proposed amendments on the grounds that they would be burdensome on the manufactured housing industry. In written comments, staff explained the reason for the original proposed amendments and generally supported those amendments with changes. However, at hearing, staff proposed rescinding the entire chapter of rules rather than amending.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #3: Staff and the industry representatives testified at the hearing that 4 CSR 240-121 was a potentially unnecessary chapter of regulations because it pertained to pre-owned manufactured homes, which cannot practically be brought up to code by the manufactured

housing industry. Therefore, staff and the industry representative recommended that this chapter of rules be rescinded.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff and the industry representatives. However, because this chapter cannot be rescinded without going through the proper statutory and administrative processes, the commission will withdraw these proposed amendments and begin a new rulemaking to consider the rescission of this chapter of regulations.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 121—Pre-Owned Manufactured Homes

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission withdraws a proposed amendment as follows:

4 CSR 240-121.030 Seals is withdrawn.

A notice of proposed rulemaking containing the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1162-1163). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding the entire package of rule amendments filed simultaneously from seven (7) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Bryan Crump, Cedar Creek Homes; Daniel Ferrell, MMHA; Timothy L. DeVine, Your Home Center L.L.C.; Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA; Tony Taylor, Gifford Homes, Inc.; and the MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom Hagar. In addition, staff offered the written comment of Missouri Senator Sandy Crawford which was received after the comment period closed but prior to the hearing. The industry representatives and Senator Crawford opposed many of the proposed amendments on the grounds that they would be burdensome on the manufactured housing industry. In written comments, staff explained the reason for the original proposed amendments and generally supported those amendments with changes. However, at hearing, staff proposed rescinding the entire chapter of rules rather than amending.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process

for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #3: Staff and the industry representatives testified at the hearing that 4 CSR 240-121 was a potentially unnecessary chapter of regulations because it pertained to pre-owned manufactured homes, which cannot practically be brought up to code by the manufactured housing industry. Therefore, staff and the industry representative recommended that this chapter of rules be rescinded.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff and the industry representatives. However, because this chapter cannot be rescinded without going through the proper statutory and administrative processes, the commission will withdraw these proposed amendments and begin a new rulemaking to consider the rescission of this chapter of regulations.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 121—Pre-Owned Manufactured Homes

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission withdraws a proposed amendment as follows:

4 CSR 240-121.040 Inspection of Dealer Books, Records, Inventory and Premises is withdrawn.

A notice of proposed rulemaking containing the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1163). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding the entire package of rule amendments filed simultaneously from seven (7) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Bryan Crump, Cedar Creek Homes; Daniel Ferrell, MMHA; Timothy L. DeVine, Your Home Center L.L.C.; Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA; Tony Taylor, Gifford Homes, Inc.; and the MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom Hagar. In addition, staff offered the written comment of Missouri Senator Sandy Crawford which was received after the comment period closed but prior to the hearing. The industry representatives and Senator Crawford opposed many of the proposed amendments on the grounds that they would be burdensome on the manufactured housing industry. In written comments, staff explained the reason for the original proposed amendments and generally supported those amendments with changes. However, at hearing, staff proposed rescinding the

entire chapter of rules rather than amending.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #3: Staff and the industry representatives testified at the hearing that 4 CSR 240-121 was a potentially unnecessary chapter of regulations because it pertained to pre-owned manufactured homes, which cannot practically be brought up to code by the manufactured housing industry. Therefore, staff and the industry representative recommended that this chapter of rules be rescinded.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff and the industry representatives. However, because this chapter cannot be rescinded without going through the proper statutory and administrative processes, the commission will withdraw these proposed amendments and begin a new rulemaking to consider the rescission of this chapter of regulations.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 121—Pre-Owned Manufactured Homes**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission withdraws a proposed amendment as follows:

4 CSR 240-121.050 Inspection of Preowned Manufactured Homes Rented, Leased or Sold or Offered for Rent, Lease or Sale by Persons Other Than Dealers **is withdrawn**.

A notice of proposed rulemaking containing the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1163-1164). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding the entire package of rule amendments filed simultaneously from seven (7) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA);

Bryan Crump, Cedar Creek Homes; Daniel Ferrell, MMHA; Timothy L. DeVine, Your Home Center L.L.C.; Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA; Tony Taylor, Gifford Homes, Inc.; and the MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom Hagar. In addition, staff offered the written comment of Missouri Senator Sandy Crawford which was received after the comment period closed but prior to the hearing. The industry representatives and Senator Crawford opposed many of the proposed amendments on the grounds that they would be burdensome on the manufactured housing industry. In written comments, staff explained the reason for the original proposed amendments and generally supported those amendments with changes. However, at hearing, staff proposed rescinding the entire chapter of rules rather than amending.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #3: Staff and the industry representatives testified at the hearing that 4 CSR 240-121 was a potentially unnecessary chapter of regulations because it pertained to pre-owned manufactured homes, which cannot practically be brought up to code by the manufactured housing industry. Therefore, staff and the industry representative recommended that this chapter of rules be rescinded.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff and the industry representatives. However, because this chapter cannot be rescinded without going through the proper statutory and administrative processes, the commission will withdraw these proposed amendments and begin a new rulemaking to consider the rescission of this chapter of regulations.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 121—Pre-Owned Manufactured Homes**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section

700.040, RSMo 2016, the commission withdraws a proposed amendment as follows:

4 CSR 240-121.060 Complaints and Review of Director Action is withdrawn.

A notice of proposed rulemaking containing the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1164). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding the entire package of rule amendments filed simultaneously from seven (7) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Bryan Crump, Cedar Creek Homes; Daniel Ferrell, MMHA; Timothy L. DeVine, Your Home Center L.L.C.; Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA; Tony Taylor, Gifford Homes, Inc.; and the MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom Hagar. In addition, staff offered the written comment of Missouri Senator Sandy Crawford which was received after the comment period closed but prior to the hearing. The industry representatives and Senator Crawford opposed many of the proposed amendments on the grounds that they would be burdensome on the manufactured housing industry. In written comments, staff explained the reason for the original proposed amendments and generally supported those amendments with changes. However, at hearing, staff proposed rescinding the entire chapter of rules rather than amending.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #3: Staff and the industry representatives testified at the hearing that 4 CSR 240-121 was a potentially unnecessary chapter of regulations because it pertained to pre-owned manufactured homes, which cannot practically be brought up to code by the manufactured housing industry. Therefore, staff and the industry representative rec-

ommended that this chapter of rules be rescinded.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff and the industry representatives. However, because this chapter cannot be rescinded without going through the proper statutory and administrative processes, the commission will withdraw these proposed amendments and begin a new rulemaking to consider the rescission of this chapter of regulations.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 121—Pre-Owned Manufactured Homes**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission withdraws a proposed amendment as follows:

4 CSR 240-121.180 Monthly Report Requirement for Registered Manufactured Home Dealers is withdrawn.

A notice of proposed rulemaking containing the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1164). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding the entire package of rule amendments filed simultaneously from seven (7) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Bryan Crump, Cedar Creek Homes; Daniel Ferrell, MMHA; Timothy L. DeVine, Your Home Center L.L.C.; Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA; Tony Taylor, Gifford Homes, Inc.; and the MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom Hagar. In addition, staff offered the written comment of Missouri Senator Sandy Crawford which was received after the comment period closed but prior to the hearing. The industry representatives and Senator Crawford opposed many of the proposed amendments on the grounds that they would be burdensome on the manufactured housing industry. In written comments, staff explained the reason for the original proposed amendments and generally supported those amendments with changes. However, at hearing, staff proposed rescinding the entire chapter of rules rather than amending.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process

for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #3: Staff and the industry representatives testified at the hearing that 4 CSR 240-121 was a potentially unnecessary chapter of regulations because it pertained to pre-owned manufactured homes, which cannot practically be brought up to code by the manufactured housing industry. Therefore, staff and the industry representative recommended that this chapter of rules be rescinded.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff and the industry representatives. However, because this chapter cannot be rescinded without going through the proper statutory and administrative processes, the commission will withdraw these proposed amendments and begin a new rulemaking to consider the rescission of this chapter of regulations.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 123—Modular Units

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-123.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1164-1165). Changes to the proposed amendment are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments from four (4) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Bryan Crump, Cedar Creek Homes; Timothy L. DeVine, Your Home Center L.L.C.; and Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff) and the Office of the Public Counsel (Public Counsel). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom Hagar. The industry representatives opposed many of the proposed amendments in other rules being promulgated simultaneously with this rule on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and supported these amendments. Staff also proposed a change to the rule. Public Counsel made a general comment about citation.

COMMENT #1: Public Counsel suggested in a written comment that “Chapter 127” be identified as an administrative rule so that it was not mistaken as a statute.

RESPONSE: Public Counsel may have been commenting on a draft of the amended rule. The suggested change was made prior to publication.

COMMENT #2: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #3: Mr. Smith and Mr. DeVine filed written comments opposing the complete package of rule changes in general, though not specifically the changes in this rule. The commenters stated that the changes to manufactured housing rules would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE: Numerous changes have been made to other manufactured housing rules in response to industry and staff comments. However, because the changes proposed to this rule relate only to defining terms and adding citations, no changes have been made as a result of these comments.

COMMENT #4: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon’s comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #5: Staff supported the proposed amendments to this rule and explained that the amendments were being proposed in order to streamline all of the commission’s manufactured housing regulations. These particular amendments would consolidate most definitions into one (1) location. Staff also recommended deleting the word “shall” in section (1) as it was superfluous.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff that consolidating these definitions will streamline the regulations. It will also adopt the recommended deletion of the word “shall” in section (1).

4 CSR 240-123.010 Definitions

(1) The following definitions, as well as those set out in section 700.010, RSMo, and 4 CSR 240-127 apply to this chapter:

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 123—Modular Units

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-123.020 Administration and Enforcement is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1165-1166). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from three (3) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Timothy L. DeVine, Your Home Center L.L.C.; and Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA. The commission also received timely written comments about this rule from the staff of the Missouri Public Service Commission (staff). At the public hearing, comments about this rule were received from four (4) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump, Cedar Creek Homes; and Jamie Smith. The industry representatives opposed many of the proposed amendments to rules filed simultaneously with this rule on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and supported the amendments.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. Smith and Mr. DeVine filed written comments opposing the complete package of rule changes in general, though not specifically the changes in this rule. The commenters stated that the changes to manufactured housing rules would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE: Numerous changes have been made to other manufactured housing rules in response to industry and staff comments. However, no changes have been made to this particular rule as a result of these comments.

COMMENT #3: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #4: Staff supported the proposed amendments to this rule and explained that the amendments were being proposed in order to clearly set out the powers and responsibilities that are and are not delegated to the Program Manager.

RESPONSE: The commission agrees with staff that this proposed amendment will clarify the Program Manager's powers and responsibilities.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-123.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1166-1167). Changes to the proposed amendment are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments from five (5) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Bryan Crump, Cedar Creek Homes; Timothy L. DeVine, Your Home Center L.L.C.; Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA; and the MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom Hagar. The industry representatives opposed many of the proposed amendments in other rules being promulgated simultaneously with this rule on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and supported these amendments. Staff also proposed a change to the rule.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. Smith, Mr. Hagar, Mr. Crump, and Mr. DeVine gave oral and written comments opposing the complete package of rule changes in general, though not specifically the changes in this rule. No commenters were opposed to changing the name of the commission personnel to "manager" or the other name and citation changes in this rule.

RESPONSE: Numerous changes have been made to other manufactured housing rules in response to industry and staff comments. However, because the changes proposed to this rule relate only to

defining terms and adding citations, no changes have been made as a result of these comments.

COMMENT #3: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #4: Staff supported the proposed amendments to this rule and explained that the amendments were being proposed in order to clarify the rules. Staff also recommended changing the word "shall" in section (5) to "will", and the word "shall" in section (6) to "may."

RESPONSE AND EXPLANATION OF CHANGE: In order to make the rule less restrictive, the commission will adopt staff's change to section (6). However, staff's proposed change does not add clarity to section (5) and therefore, will not be adopted.

4 CSR 240-123.030 Seals

(6) Seals may be delivered by one (1) of the following methods:

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 123—Modular Units

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-123.040 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1167-1168). Changes to the proposed amendment are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments from five (5) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Bryan Crump, Cedar Creek Homes; Timothy L. DeVine, Your Home Center L.L.C.; Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA; and the MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom Hagar. The industry representatives opposed many of the proposed amendments in other rules being promulgated simultaneously with this rule on the grounds that they

would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and supported these amendments. Staff also proposed additional changes to the rule.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. Smith, Mr. Hagar, Mr. Crump, and Mr. DeVine gave oral and written comments opposing the complete package of rule changes in general, though not specifically the changes in this rule. No commenters were opposed to changing the name of the commission personnel to "manager" or the other amendments to this rule.

RESPONSE: Numerous changes have been made to other manufactured housing rules in response to industry and staff comments. However, no changes have been made as a result of these comments.

COMMENT #3: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #4: Staff supported many of the proposed amendments to this rule and explained that the amendments were being proposed in order to clarify the rules. At the hearing, however, staff recommended additional changes to simplify the rule and remove requirements that repeat information found in the form. Staff recommended changes to sections (1), (3), (4), and (7) and to proposed section (8). Staff also recommended rejecting proposed subsections (1)(A) through (1)(F) and deleting original subsections (1)(A) through (1)(D). Staff stated that these changes would provide clarification and would be consistent with Executive Order 17-03 by reducing unnecessary regulatory requirements.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff's proposed deletions of proposed subsections (1)(A) through (1)(F) and original subsections (1)(A) through (1)(D) to reduce unnecessary regulations. The commission also will adopt the proposed changes to original sections (1) and (4). The commission will make the withdrawal of approval discretionary instead of mandatory in order to lessen the restrictive nature of proposed section (8). The commission will also make further changes to sections (3) and (4) to add clarity and reduce the time for the manager to consider a request for approval of a manufacturing program. However, the commission will not make additional changes to section (7).

4 CSR 240-123.040 Approval of Manufacturing Programs

(1) To have a manufacturing program considered for approval, the manufacturer who will use the program for which approval is sought

shall submit a completed application, along with the following, to the manufactured housing and modular units program. The application may be obtained from the manager upon request, or from the commission's website at www.psc.mo.gov:

(A) One (1) copy of the quality control manual under which the manufacturing program will be implemented. The manual shall at least include a description which is sufficient to demonstrate compliance with the applicable code(s) for every procedure relating to the manufacturing of modular units for which the code contains a requirement;

(B) Third party inspection for compliance with required codes; and

(C) One (1) copy of detailed manufacturer's installation instructions for the assembly of the modular components for each modular unit shall be furnished with each modular unit to the dealer or selling agent, and one (1) set shall be submitted with each model plan for approval, such instruction shall reflect detailed instructions for the assembly of the unit(s), including the fastening of dormers if applicable, roof installation details, floor fastening, end wall fastening, king post installation, and any other on-site assembly of manufacturer supplied components.

(4) The manager has ten (10) days to consider a request for approval of a manufacturing program submitted pursuant to sections (1)–(3) above. A notice of refusal shall specify the reason for refusal.

(8) The commission may withdraw approval of a manufacturing program if the commission finds—

(D) Approval of simple modular unit plan revisions that do not include changes in systems or the manner of construction that do not take the unit out of compliance with the code and do not include the examples in subsection (11)(C) require approval by the manager, but do not require payment of a fee. Examples of such changes include, but are not limited to: addition or deletion of an entry way closet, installation of fake dormers, movement of an approved stairwell, reversal of a previously approved floor plan, or movement of a non-load bearing interior wall.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 123—Modular Units

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-123.050 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1169). Changes to the proposed amendment are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from three (3) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Timothy L. DeVine, Your Home Center L.L.C.; and Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA. The commission also received timely written comments about this rule from the staff of the Missouri Public Service

Commission (staff) and the Office of the Public Counsel (Public Counsel). At the public hearing, comments about this rule were received from four (4) commenters: Mark Johnson, Staff Counsel representing staff; Rich Aubuchon, an attorney representing MMHA; Bryan Crump, Cedar Creek Homes; and Jamie Smith. The industry representatives opposed many of the proposed amendments to rules filed simultaneously with this rule on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and supported the amendments. Public Counsel made a suggested amendment.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. Smith and Mr. DeVine filed written comments opposing the complete package of rule changes in general, though not specifically the changes in this rule. The commenters stated that the changes to manufactured housing rules would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE: Numerous changes have been made to other manufactured housing rules in response to industry and staff comments. However, no changes to this particular rule have been made as a result of these comments.

COMMENT #3: Mr. Aubuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. Aubuchon's comments. Mr. Aubuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. Aubuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #4: Staff supported the proposed amendments to this rule with some further changes. Staff explained that the amendments as originally proposed would have corrected the title of the individual responsible for the commission's manufactured housing department from "director" to "manager." Staff also explained that the proposed amendments would add that a manufacturer must maintain a copy of the bill of sale when a home is sold directly to a consumer, which was not previously addressed in the rule. Staff proposed additional changes in furtherance of the Governor's Executive Order 17-03, to make the rule less restrictive by making the inspection of books and records discretionary.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff's comment and will make the rule less restrictive by amending the language as suggested.

COMMENT #5: Public Counsel commented that section (2) should include a length of time to make record-keeping requirements uniform.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with Public Counsel's comment and will further amend

proposed section (2) to include a five- (5-) year time for keeping the bill of sale.

4 CSR 240-123.050 Inspection of Manufacturer's Books, Records, Inventory and Premises

(1) The manager may inspect the books, records, including a copy of the data plate and all service records for each modular unit, inventory, and premises of a manufacturer during normal business hours to ascertain—

(2) Should a manufacturer sell directly to a consumer, the manufacturer shall maintain a copy of the bill of sale in its files for no less than five (5) years at the location where it sold the modular unit to the purchaser, if possible; otherwise at its principal office.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-123.060 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1169). Changes to the proposed amendment are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from three (3) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Timothy L. DeVine, Your Home Center L.L.C.; and Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA. The commission also received timely written comments about this rule from the staff of the Missouri Public Service Commission (staff). At the public hearing, comments about this rule were received from four (4) commenters: Mark Johnson, Staff Counsel representing staff; Rich Aubuchon, an attorney representing MMHA; Bryan Crump, Cedar Creek Homes; and Jamie Smith. The industry representatives opposed many of the proposed amendments to rules filed simultaneously with this rule on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and supported the amendments.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. Smith and Mr. DeVine filed written comments

opposing the complete package of rule changes in general, though not specifically the changes in this rule. The commenters stated that the changes to manufactured housing rules would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE: Numerous changes have been made to other manufactured housing rules in response to industry and staff comments. However, no changes to this particular rule have been made as a result of these comments.

COMMENT #3: Mr. Aubuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. Aubuchon's comments. Mr. Aubuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. Aubuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #4: Staff supported the proposed amendments to this rule with some further changes. Staff explained that the amendments as originally proposed would have corrected the title of the individual responsible for the commission's manufactured housing department from "director" to "manager." Staff also explained that the proposed amendments would add that a manufacturer must maintain a copy of the bill of sale when a home is sold directly to a consumer, which was not previously addressed in the rule. Staff proposed additional changes in furtherance of the Governor's Executive Order 17-03, to make the rule less restrictive by making the inspection of books and records discretionary.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff's comment and will make the rule less restrictive by amending the language as suggested.

4 CSR 240-123.060 Inspection of Dealer's Books, Records, Inventory and Premises

(1) The manager may inspect the books, records, inventory, and premises of a dealer from time-to-time during normal business hours to ascertain if grounds exist under 700.100, RSMo to file a complaint with the commission to reject an application for registration filed under section 700.090, RSMo or to refuse to renew, suspend, revoke, or place on probation a registration which has been made under section 700.090, RSMo.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-123.065 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1170-1173). Changes to the proposed amendment

are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from seven (7) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Bryan Crump, Cedar Creek Homes; Daniel Ferrell, MMHA; Timothy L. DeVine, Your Home Center L.L.C.; Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA; Tony Taylor, Gifford Homes, Inc.; and the MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom Hagar. The industry representatives opposed many of the proposed amendments on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and generally supported those amendments. However, staff also proposed additional significant changes to the rules.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #3: Mr. DeVine filed written comments opposing the complete package of rule changes in general, and specifically stating that the changes with regard to fees and "re-inspections" would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE AND EXPLANATION OF CHANGE: Numerous changes have been made to this rule in response to the industry, including Mr. DeVine, and staff comments. Specific changes make the fee implementation discretionary after consultation with the staff director and reports to the commission of the monetary effect of the changes on the industry.

COMMENT #4: Mr. Smith, Mr. AuBuchon, Mr. Crump, Mr. Ferrell, Mr. Taylor, Mr. Hagar, and the MMHA made written and oral comments opposing the amendments for similar reasons. In general, the commenters stated that the amendments were burdensome

to the industry, would ultimately cause additional expense to the consumers, and would deter manufacturing in the state. Specifically, the industry objected to the one- (1-) year and two- (2-) year inspection periods as set out in proposed subsections (2)(B) and (2)(C). Some of the industry representatives stated that the period for the manager to conduct his inspections should be limited to one hundred twenty (120) days, although the general consensus of the industry was that there should be no more than one (1) year to conduct an inspection.

The commenters stated that most "stick built" homes in Missouri do not have to comply with any building codes and at most have only a one- (1-) year warranty. They explained that manufactured homes must comply with Housing and Urban Development (HUD) regulations on building, which are very strict. For these reasons, the manufactured housing industry stated it is at a competitive disadvantage. Additionally, the manufactured housing representatives stated that allowing the manager to conduct an initial setup inspection up to two (2) years after the home was setup was too long. They stated that they had no control over changes to the yard or home that homeowners would do or the effects that weather would have on the setup and thus, it would be unfair to have an inspection after one hundred twenty (120) days. The industry representatives stated that, in essence, this was requiring the dealers to give the consumers a two- (2-) year warranty on the home.

Additionally, the commenters stated that Missouri does more inspections and enforcement than its neighboring states, which only inspect homes due to consumer complaints and not on their own initiative. The commenters indicated that in general the industry wanted the inspection and regulatory process, but that the inspections should be in response to complaints, not be done for the sake of creating work for the inspectors. Further, the commenters stated that under the current rules, the industry was accelerating their reporting to the manager and, therefore, the manager should have the information necessary to conduct inspections sooner.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comments with regard to the one- (1-) year and two- (2-) year inspection periods. The manager currently only inspects about forty percent (40%) of new manufactured homes. The commission finds that these inspections are a benefit and enhance safety for the modular unit owners. Thus, the commission determines that a one- (1-) year period to conduct an initial setup inspection is not unreasonable. Further, the commission finds that consumers will be protected from potentially dangerous code violations if the timeframe to conduct an initial setup inspection based on a written consumer complaint remains at two (2) years. However, to reduce the potential burden on the industry, the commission will further amend subsection (2)(C) to limit fees and inspections to situations where an initial inspection was not performed.

COMMENT #5: Mr. Smith, Mr. AuBuchon, Mr. Crump, Mr. Ferrell, Mr. Taylor, and the MMHA opposed changing the imposition of fees for not complying with the statutes and regulations from discretionary to mandatory. The commenters stated that this change was too harsh and was unnecessary. The commenters stated that the industry had a few bad actors that needed to have regulatory fees applied, but the majority of the industry operated within the requirements and were upstanding businesses. Several of the commenters cited to a reduction in consumer complaints since training and licensing for home installers has been implemented in Missouri in 2009.

RESPONSE AND EXPLANATION OF CHANGE: The commission determines that the enforcement actions and fees should not be automatic or mandatory in nature. Rather, as staff has suggested in its comments set out below, the enforcement of fees or discipline should be carried out after an attempt to communicate with the entity involved and after consultation with the staff director. During this consultation, potential mitigating factors, including, but not limited to, the number of similar noncompliance issues, circumstances that may have been beyond the entity's control, and the entity's responsiveness to commission requirements should be considered. Further,

in response to the industry's concern that inspections not just be done in order to employ inspectors and in order to maintain oversight of the manager and the fee and waiver process, the commission determines that the manager should track any fees assessed or waived under paragraph (2)(A)1. of the rule and provide a report on a quarterly basis to the commission. Therefore, the commission has further amended paragraph (2)(A)1. of the rule.

COMMENT #6: Staff filed comments generally supporting the amendments, but also suggested some changes due to input from the industry and due to Executive Order 17-03. Staff explained the reason for the original proposed amendments was to comply with a report of the state auditor by removing the discretion to impose fees from the manager and placing it with the commission. The reporting period for submitting property locator forms was also extended from forty-eight (48) hours to five (5) days and the enforcement of the fee for late filing became mandatory with a procedure for waiver by the commission. After meeting with industry representatives and considering their comments and Executive Order 17-03, staff recommended that the mandatory nature of the fees be removed and the discretion be left with the manager, but only after consultation with the staff director and consideration of specific criteria set out in the rule. Staff also recommended that the one- (1-) year and two- (2-) inspection periods remain.

RESPONSE AND EXPLANATION OF CHANGE: In consideration of the comments of staff in conjunction with the comments of the industry representatives, the commission determines that the rule should be further amended.

The commission determines that the enforcement actions and fees should not be automatic or mandatory in nature. Rather, as staff has suggested, the enforcement of fees or discipline should be carried out after an attempt to communicate with the entity involved and after consultation with the staff director. During this consultation, potential mitigating factors, including, but not limited to, the number of similar noncompliance issues, circumstances that may have been beyond the entity's control, and the entity's responsiveness to commission requirements should be considered. Further, in order to maintain oversight of the manager and the fee and waiver process, the commission determines that the manager should track any fees assessed or waived under paragraph (2)(A)1. of the rule and provide a report on a quarterly basis to the commission. Therefore, the commission has further amended paragraph (2)(A)1. of the rule and eliminated proposed section (4) regarding a waiver process.

The commission has also considered the comments with regard to the one- (1-) year and two- (2-) year inspection periods. The manager currently only inspects about forty percent (40%) of new manufactured homes. The commission believes that these inspections are a benefit and enhance safety for the modular unit owners. Thus, the commission determines that a one- (1-) year period to conduct an initial set-up inspection is not unreasonable. Further, the commission finds that consumers will be protected from potentially dangerous code violations if the timeframe to conduct an inspection remains at two (2) years. However, the commission will rewrite subsection (2)(E) for clarity.

Additionally, because the manager has two (2) years in which to conduct an inspection on a complaint, the commission finds that proposed subsection (1)(C) should be amended to eliminate the two- (2-) year period in which the manager may take action on a violation. The original intent was to eliminate the five- (5-) year period set out in original section (4), but not to exclude the possibility of recourse on a violation found at the end of the two- (2-) year inspection period as this limitation would do.

COMMENT #7: Mr. Crump also commented that the reporting requirements need to be further reduced as they were too onerous.

RESPONSE: The commission is in the process of implementing a new computerized reporting system that should greatly simplify reporting requirements. Therefore, the commission will not make any

changes to the rule at this time as a result of this comment.

4 CSR 240-123.065 Modular Unit Dealer or Selling Agent Setup Responsibilities

(1) Modular Unit Dealer Setup.

(C) If a dealer, unless the dealer obtains the waiver of initial setup referred to in subsection (A) above, fails to arrange for the proper initial setup of a modular unit, the commission may discipline the dealer's registration by suspending it, revoking it, or placing it on probation, pursuant to the provisions of section 700.100, RSMo, if the manager provides evidence to the commission, incident to an inspection under subsections (2)(B) or (2)(C), of setup deficiencies.

(2) Modular Unit Inspections.

(A) Dealers shall submit to the manufactured housing and modular units program a property locator indicating the destination of the new residential modular unit(s) or new or used classroom modular unit(s) within five (5) business days to the date the unit leaves the dealer's location or the manufacturer's location if the unit is shipped direct to the consumer. For multi-section new residential or new or used classroom modular unit(s) the five (5) business days begins when the first section leaves the dealer's or manufacturer's location. The dealer shall use the property locator form provided by the manufactured housing and modular units program.

1. The manager, in consultation with the commission staff director, after attempting to contact the entity involved and documenting consideration of potential mitigating factors, including, but not limited to, the number of similar non-compliance issues, circumstances beyond the entity's control, and the entity's responsiveness to commission requirements, may assess a fifty dollar (\$50) per home inspection fee to dealers who fail to submit the property locator within five (5) business days from the due date. The manager will track fees assessed or waived under this provision, along with any documented consideration of mitigating factors, and compile a quarterly report summarizing such information for review by the commission.

2. The manager may commence an action to discipline a dealer's registration for failure to timely report property locators or make payment upon property locator home inspection fees if the commission has assessed no fewer than two (2) property locator home inspection fees against the dealer within the previous twelve (12) months of the due date of the property locator at issue.

(C) Within two (2) years of the delivery date of the home to the consumer, if no initial inspection was performed pursuant to subsection (2)(B) of this rule, the manager may conduct an initial inspection of the home for setup and code violations upon the receipt of a formal written complaint by the consumer.

(E) If an initial inspection identifies no code violations or any re-inspection verifies that corrections have been made to address code violations identified on an initial inspection report, the manager will issue, within twenty (20) days of the final inspection or re-inspection, a notice of completion to each responsible entity, and the complainant if the initial inspection occurs subsequent to a consumer complaint, indicating no outstanding issues remain to be addressed. This notice is intended to notify parties when the manager has completed an inspection process, but does not serve to indemnify any responsible party from any future liability.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 123—Modular Units

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-123.070 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1174). Changes to the proposed amendment are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from six (6) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Bryan Crump, Cedar Creek Homes; Timothy L. DeVine, Your Home Center L.L.C.; Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA; Tony Taylor, Gifford Homes, Inc.; and the MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom Hagar. The industry representatives opposed many of the proposed amendments on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and generally supported those amendments. However, staff also proposed additional significant changes to the rules.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #3: Mr. DeVine filed written comments opposing the complete package of rule changes in general, and specifically stating that the changes with regard to fees would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE AND EXPLANATION OF CHANGE: Numerous changes have been made to this rule in response to the industry, including Mr. DeVine, and staff comments. Specific changes make the fee implementation discretionary after consultation with the staff director and reports to the commission of the monetary effect of the changes on the industry.

COMMENT #4: Mr. Smith, Mr. AuBuchon, Mr. Crump, Mr. Taylor, and the MMHA opposed changing the imposition of fees for not complying with the statutes and regulations from discretionary to mandatory. The commenters stated that this change was too harsh and was unnecessary. The commenters stated that the industry had a few bad actors that needed to have regulatory fees applied, but the majority of the industry operated within the requirements and were upstanding businesses. Several of the commenters cited to a reduction in consumer complaints since training and licensing for home installers has been implemented in Missouri in 2009.

RESPONSE AND EXPLANATION OF CHANGE: The commission determines that the enforcement actions and fees should not be automatic or mandatory in nature. Rather, as staff has suggested in its comments set out below, the enforcement of fees or discipline should be carried out after an attempt to communicate with the entity involved and after consultation with the staff director. During this consultation, potential mitigating factors, including, but not limited to, the number of similar noncompliance issues, circumstances that may have been beyond the entity's control, and responsiveness to commission requirements should be considered. Further, in order to maintain oversight of the manager and the fee and waiver process, the commission determines that the manager should track any fees assessed or waived under this rule and provide a report on a quarterly basis to the commission. Therefore, the commission has further amended proposed section (7) and deleted proposed section (10).

COMMENT #5: Staff filed comments generally supporting the amendments, but also suggested some changes due to input from the industry and due to Executive Order 17-03. Staff explained the reason for the original proposed amendments was to comply with a report of the state auditor by removing the discretion to impose fees from the manager and placing it with the commission. Additionally, as originally proposed, actions against a dealer's registration were added for monthly reports not filed within sixty and ninety days of the due dates. After meeting with industry representatives and considering their comments and Executive Order 17-03, staff recommended that the mandatory nature of the fees be removed and the discretion be left with the manager, but only after consultation with the staff director and consideration of specific criteria set out in the rule. Staff also recommended wording changes and a reference to where the form was located in section (2) and the removal of section (5) as it duplicated what was on the form. Staff also recommended the deletion of proposed section (10) because it was not needed when the other changes were made.

RESPONSE AND EXPLANATION OF CHANGE: In consideration of the comments of staff in conjunction with the comments of the industry representatives, the commission determines that the rule should be further amended.

The commission determines that the enforcement actions and fees should not be automatic or mandatory in nature. Rather, as staff has suggested, the enforcement of fees or discipline should be carried out after an attempt to communicate with the entity involved and after consultation with the staff director. During this consultation, potential mitigating factors, including, but not limited to, the number of similar noncompliance issues, circumstances that may have been beyond the entity's control, and the entity's responsiveness to commission requirements should be considered. Further, in order to maintain oversight of the manager and the fee and waiver process, the commission determines that the manager should track any fees assessed or waived under this rule and provide a report on a quarterly basis to the commission.

The commission also accepts the other changes suggested by staff. Therefore, the commission has further amended proposed sections (2), (7), and (9), deleted proposed sections (5) and (10), and renumbered the sections accordingly.

COMMENT #6: Mr. Crump also commented that the reporting requirements need to be further reduced as they were too onerous.

RESPONSE: The commission is in the process of implementing a new computerized reporting system that should greatly simplify reporting requirements. Therefore, the commission will not make any changes to the rule at this time as a result of this comment.

4 CSR 240-123.070 Monthly Report Requirement for Registered Modular Unit Dealers

(2) The modular unit dealer shall only use the commission's monthly sales reports form. Sales report forms may be obtained from the Missouri Public Service Commission, PO Box 360, Jefferson City, MO 65102, or at the website <http://psc.mo.gov>.

(5) The manager of the manufactured housing and modular units program may reject monthly sales reports that are incomplete and require dealers to submit corrected reports.

(6) The manager, in consultation with the commission staff director, after attempting to contact the entity involved and documenting consideration of potential mitigating factors, including, but not limited to, the number of similar non-compliance issues, circumstances beyond the entity's control, and the entity's responsiveness to commission requirements, may assess a late submission fee of fifty dollars (\$50) against a modular unit dealer for each monthly sales report filed sixty (60) days after the due date. The manager will track fees assessed or waived under this provision, along with any documented consideration, and compile a quarterly report summarizing such information for review by the commission.

(7) The commission may suspend the dealer's registration for any report not submitted within sixty (60) days of the due date.

(8) Failure to submit timely and complete monthly sales reports within ninety (90) days of the due date and/or to pay any assessed fees could result in revocation of the dealer's registration under section 700.098, RSMo.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-123.080 Code for Modular Units is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1174-1175). No changes have been made to the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received one (1) written comment regarding this rule from the staff of the commission. Staff explained the original amendment and proposed complete rescission of the rule as unnecessary.

COMMENT #1: Staff commented that these amendments were proposed to change the title of the person responsible for the program, add clarity, and cite to the current building code edition. Staff supported the amendments as proposed.

RESPONSE: The commission finds the original amendments appropriate and amends the rule accordingly.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 240—Public Service Commission
Chapter 123—Modular Units**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

**4 CSR 240-123.090 Complaints and Review of Manager's
Action(s) is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1175-1176). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from three (3) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Timothy L. DeVine, Your Home Center L.L.C.; and Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA. The commission also received timely written comments about this rule from the staff of the Missouri Public Service Commission (staff). At the public hearing, comments about this rule were received from four (4) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump, Cedar Creek Homes; and Jamie Smith. The industry representatives opposed many of the proposed amendments to rules filed simultaneously with this rule on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and supported the amendments.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. Smith and Mr. DeVine filed written comments opposing the complete package of rule changes in general, though not specifically the changes in this rule. The commenters stated that the changes to manufactured housing rules would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE: Numerous changes have been made to other manufactured housing rules in response to industry and staff comments. However, no changes to this particular rule have been made as a result of these comments.

COMMENT #3: Mr. AuBuchon commented at the hearing on behalf

of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #4: Staff explained that the amendments correct the title of the individual responsible for the commission's manufactured housing department from "director" to "manager" and add clarification to the rule. Staff supported the proposed amendments to this rule.

RESPONSE: The commission agrees with staff and makes no further changes as a result of this comment.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-123.095 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1176-1179). Changes to the proposed amendment are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from seven (7) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Bryan Crump, Cedar Creek Homes; Daniel Ferrell, MMHA; Timothy L. DeVine, Your Home Center L.L.C.; Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA; Tony Taylor, Gifford Homes, Inc.; and the MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom Hagar. In addition, staff offered the written comment of Missouri Senator Sandy Crawford which was received after the comment period closed but prior to the hearing. The industry representatives and Senator Crawford opposed many of the proposed amendments on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and generally supported those amendments. However, staff also proposed additional significant changes to the rules.

COMMENT #1: Mr. Hagar made a general written comment regard-

ing the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #3: Mr. DeVine filed written comments opposing the complete package of rule changes in general, and specifically stating that the changes with regard to fees and "re-inspections" would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE AND EXPLANATION OF CHANGE: Numerous changes have been made to this rule in response to the industry, including Mr. DeVine, and staff comments. Specific changes make the fee implementation discretionary after consultation with the staff director and reports to the commission of the monetary effect of the changes on the industry.

COMMENT #4: Senator Crawford, Mr. Smith, Mr. AuBuchon, Mr. Crump, Mr. Ferrell, Mr. Taylor, Mr. Hagar, and the MMHA made written and oral comments opposing the amendments for similar reasons. In general, the commenters stated that the amendments were burdensome to the industry, would ultimately cause additional expense to the consumers, and would deter manufacturing in the state. Specifically, the industry objected to the one- (1-) year and two- (2-) year inspection periods as set out in 4 CSR 240-123.065, and those comments were addressed in that rule.

Additionally, the commenters stated that Missouri does more inspections and enforcement than its neighboring states, which only inspect homes due to consumer complaints and not on their own initiative. The commenters indicated that in general the industry wanted the inspection and regulatory process, but that the inspections should be in response to complaints, not be done for the sake of creating work for the inspectors.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comments of the industry in conjunction with the comments of staff. Subsections (1)(C) and (2)(B) are being amended to remove the mandatory nature of the fees and creating a process for consideration of specific criteria by the manager in consultation with the staff director. Additionally, in order to maintain proper oversight of the implementation of fees, the commission is adding reporting requirements for the manager.

COMMENT #5: Senator Crawford, Mr. Smith, Mr. AuBuchon, Mr. Crump, Mr. Ferrell, Mr. Taylor, and the MMHA opposed changing the imposition of fees for not complying with the statutes and regulations from discretionary to mandatory. The commenters stated that this change was too harsh and was unnecessary. The commenters stated that the industry had a few bad actors that needed to have regulatory

fees applied, but the majority of the industry operated within the requirements and were upstanding businesses. Several of the commenters cited a reduction in consumer complaints since training and licensing for home installers has been implemented in Missouri in 2009.

RESPONSE AND EXPLANATION OF CHANGE: The commission determines that the enforcement actions and fees should not be automatic or mandatory in nature. Rather, as staff has suggested in its comments set out below, the enforcement of fees or discipline should be carried out after an attempt to communicate with the entity involved and after consultation with the staff director. During this consultation, potential mitigating factors, including, but not limited to, the number of similar noncompliance issues, circumstances that may have been beyond the entity's control, and responsiveness to commission requirements should be considered. Further, in response to the industry's concern that inspections not just be done in order to employ inspectors and in order to maintain oversight of the manager and the fee and waiver process, the commission determines that the manager should track any fees assessed or waived under subsections (1)(C) and (2)(B) of the rule and provide a report on a quarterly basis to the commission. Therefore, the commission has further amended subsections (1)(C) and (2)(B) of the rule.

COMMENT #6: Staff filed comments generally supporting the amendments, but also suggested some changes due to input from the industry and due to Executive Order 17-03. Staff explained the reason for the original proposed amendments was to comply with a report of the state auditor by removing the discretion to impose fees from the manager and placing it with the commission. A fee schedule was implemented to add clarity where multiple inspections were needed. Additionally, a section was added for suspension of a registration for failure to pay the re-inspection fees and make corrective action and a section was added to govern the process of requesting a waiver of fees.

After meeting with industry representatives and considering their comments and Executive Order 17-03, in written comments staff recommended that changes be made to proposed subsections (1)(B), (1)(C), and (2)(B) to change the mandatory nature of the fees, leaving discretion with the manager after consultation with the staff director. Staff also recommended minor wording changes to proposed sections (3) and (4), as well as a rewrite of proposed sections (6), (7), and (8). Staff recommended additional changes to proposed section (8) to remove a sentence detailing the length of suspension and recommended deleting "shall" from proposed section (9) and deleting proposed section (10) because they are unnecessary.

Additionally, at the hearing staff presented additional written comments recommending that proposed subsections (1)(C) and (2)(B) be changed to add the criteria to be considered when the manager consults with the staff director.

RESPONSE AND EXPLANATION OF CHANGE: In consideration of the comments of staff in conjunction with the comments of the industry representatives, the commission determines that the rule should be further amended.

The commission determines that the enforcement actions and fees should not be automatic or mandatory in nature. Rather, as staff has suggested, the enforcement of fees or discipline should be carried out after an attempt to communicate with the entity involved and after consultation with the staff director. During this consultation, potential mitigating factors, including, but not limited to, the number of similar noncompliance issues, circumstances that may have been beyond the entity's control, and the entity's responsiveness to commission requirements should be considered. Further, in order to maintain oversight of the manager and the fee and waiver process, the commission determines that the manager should track any fees assessed or waived under subsections (1)(C) and (2)(B) of the rule and provide a report on a quarterly basis to the commission. Therefore, the commission has further amended those subsections.

The commission has also considered the other changes suggested

by staff. The commission rejects the change proposed in proposed subsection (1)(B) and sections (3), (4), and (6) as they do not add clarification or other changes make them unnecessary. The commission does find staff's other changes to be appropriate with some rewording for clarification and unnecessary language deleted. Thus, the commission will further amend proposed sections (6), (7), and (8) and will delete proposed section (6). The commission is also combining proposed sections (3) and (4) for clarity and renumbering the sections accordingly.

4 CSR 240-123.095 Re-Inspection and Re-Inspection Fee

(1) Re-inspections subsequent to routine inspections of new modular homes.

(C) The manager, in consultation with the commission staff director, after attempting to contact the entity at issue and documenting consideration of potential mitigating factors, including, but not limited to, the number of similar non-compliance issues, circumstances beyond the entity's control, and the entity's responsiveness to commission requirements, may assess a two hundred dollar (\$200) re-inspection fee(s) for any re-inspection subsequent to the first re-inspection. The fee is charged to the dealer, installer, or the manufacturer who was responsible for making the corrections and completing the corrections. The manager will track fees assessed or waived under this provision, along with any documented consideration, and compile a quarterly report summarizing such information for review by the commission.

(2) Re-inspections subsequent to a consumer complaint.

(B) The manager in consultation with the commission staff director, after attempting to contact the entity at issue and documenting consideration of potential mitigating factors, including, but not limited to, the number of similar non-compliance issues, circumstances beyond the entity's control, and the entity's responsiveness to commission requirements, may assess the dealer, installer, or the manufacturer, or each entity, a fee for the re-inspection(s) if the dealer, installer, or the manufacturer responsible for making the required corrections fails to complete the required corrections within sixty (60) days of receipt of a consumer complaint. The fee shall not be charged to the dealer, installer, or the manufacturer who was responsible for making the required corrections if, during the re-inspection, it is found that the required corrections have been corrected within sixty (60) days of receipt of the consumer complaint. The manager will track fees assessed or waived under this provision, along with any documented consideration, and compile a quarterly report summarizing such information for review by the commission.

(3) The re-inspection shall address all violations listed in the initial inspection report. A copy of the report shall be forwarded, within ten (10) days of the re-inspection, to the manufacturer, dealer, or both, and the customer, if applicable.

(4) The assessed fee shall be paid to the commission within twenty (20) working days from the date the re-inspection is completed. Each manufacturer and each dealer shall submit along with the fee a written plan of action to be taken by each to correct any remaining violations identified and, unless otherwise approved by the manager, corrections shall be completed within thirty (30) days of the re-inspection.

(5) The fee for all inspections requested by third parties four hundred dollars (\$400). Requests for inspections by third parties must be submitted in writing to the manufactured housing and modular units program along with the associated fee. Licensed manufacturers or dealers are not considered third parties.

(6) If the manufacturer, installer, or dealer has not paid the re-inspection fee within thirty (30) days of the prescribed date, the manager

may file a complaint and the commission may suspend the manufacturer, installer, or dealer certificate or registration.

(7) The following situations constitute grounds for commission denial, revocation, or placing on probation of a manufacturer or dealer certificate of registration:

(A) Failure to pay a re-inspection fee by the prescribed due date for two (2) consecutive months; or

(B) Failure to pay a re-inspection fee by the prescribed due date for any four (4) of the preceding twelve (12) months.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 124—Manufactured Home Tie-Down Systems

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-124.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1180). Changes to the proposed amendment are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments from four (4) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Bryan Crump, Cedar Creek Homes; Timothy L. DeVine, Your Home Center L.L.C.; and Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff) and the Office of the Public Counsel (Public Counsel). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom Hagar. The industry representatives opposed many of the proposed amendments in other rules being promulgated simultaneously with this rule on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and supported these amendments. Staff also proposed a change to the rule. Public Counsel made a general comment about citation.

COMMENT #1: Public Counsel suggested in a written comment that “Chapter 127” be identified as an administrative rule so that it was not mistaken as a statute.

RESPONSE: Public Counsel may have been commenting on a draft of the amended rule. The suggested change was made prior to publication.

COMMENT #2: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #3: Mr. Smith and Mr. DeVine filed written comments opposing the complete package of rule changes in general, though not specifically the changes in this rule. The commenters stated that the changes to manufactured housing rules would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE: Numerous changes have been made to other manufactured housing rules in response to industry and staff comments. However, because the changes proposed to this rule relate only to defining terms and adding citations, no changes have been made as a result of these comments.

COMMENT #4: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon’s comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #5: Staff supported the proposed amendments to this rule and explained that the amendments were being proposed in order to streamline the commission’s manufactured housing regulations. These particular amendments would consolidate most definitions into one location. Staff also recommended deleting the word “shall” in section (1) as it was superfluous.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff that consolidating these definitions will streamline the regulations. It will also adopt the recommended deletion of the word “shall” in section (1).

4 CSR 240-124.010 Definitions

(1) The following definitions, as well as those set out in section 700.010, RSMo, and 4 CSR 240-127 apply to this chapter:

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 124—Manufactured Home Tie-Down Systems

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-124.020 Administration and Enforcement is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1180). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from three (3) manufactured housing industry representatives including: Thomas

Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Timothy L. DeVine, Your Home Center L.L.C.; and Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA. The commission also received timely written comments about this rule from the staff of the Missouri Public Service Commission (staff). At the public hearing, comments about this rule were received from four (4) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump, Cedar Creek Homes; and Jamie Smith. The industry representatives opposed many of the proposed amendments to rules filed simultaneously with this rule on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and supported the amendments.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. Smith and Mr. DeVine filed written comments opposing the complete package of rule changes in general, though not specifically the changes in this rule. The commenters stated that the changes to manufactured housing rules would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE: Numerous changes have been made to other manufactured housing rules in response to industry and staff comments. However, no changes have been made to this particular rule as a result of these comments.

COMMENT #3: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #4: Staff supported the proposed amendments to this rule and explained that the amendments were being proposed in order to clearly set out the powers and responsibilities that are and are not delegated to the Program Manager.

RESPONSE: The commission agrees with staff that this proposed amendment will clarify the Program Manager's powers and responsibilities.

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-124.030 Determination of Applicable Manufactured Home Systems Standards is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1180-1181). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from three (3) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Timothy L. DeVine, Your Home Center L.L.C.; and Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA. The commission also received timely written comments about this rule from the staff of the Missouri Public Service Commission (staff). At the public hearing, comments about this rule were received from four (4) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump, Cedar Creek Homes; and Jamie Smith. The industry representatives opposed many of the proposed amendments to rules filed simultaneously with this rule on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and supported the amendments.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. Smith and Mr. DeVine filed written comments opposing the complete package of rule changes in general, though not specifically the changes in this rule. The commenters stated that the changes to manufactured housing rules would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE: Numerous changes have been made to other manufactured housing rules in response to industry and staff comments. However, no changes have been made to this particular rule as a result of these comments.

COMMENT #3: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the

rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #4: Staff supported the proposed amendments to this rule and explained that the amendments were being proposed in order to add clarification to the applicable standards.

RESPONSE: The commission agrees with staff that this proposed amendment is appropriate and adopts it.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 124—Manufactured Home Tie-Down Systems

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-124.040 Commission Approval of Manufactured Home Tie-Down Systems is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1181-1182). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from three (3) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Timothy L. DeVine, Your Home Center L.L.C.; and Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA. The commission also received timely written comments about this rule from the staff of the Missouri Public Service Commission (staff). At the public hearing, comments about this rule were received from four (4) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump, Cedar Creek Homes; and Jamie Smith. The industry representatives opposed many of the proposed amendments to rules filed simultaneously with this rule on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and supported the amendments.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. Smith and Mr. DeVine filed written comments opposing the complete package of rule changes in general, though not specifically the changes in this rule. The commenters stated that the changes to manufactured housing rules would add excessive regulations on the manufactured housing industry, deter business growth,

and add costs to consumers.

RESPONSE: Numerous changes have been made to other manufactured housing rules in response to industry and staff comments. However, no changes have been made to this particular rule as a result of these comments.

COMMENT #3: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #4: Staff supported the proposed amendments to this rule and explained that the amendments were being proposed in order to reorganize the rule, add clarification, and extend the time frame for inspection of newly submitted anchoring systems.

RESPONSE: The commission agrees with staff that this proposed amendment is appropriate and adopts it.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 124—Manufactured Home Tie-Down Systems

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission withdraws a proposed amendment as follows:

4 CSR 240-124.045 Anchoring Standards is withdrawn.

A notice of proposed rulemaking containing the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1182-1184). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received one (1) written comment regarding this rule from the staff of the commission. Staff explained the original amendment and proposed complete rescission of the rule as unnecessary.

COMMENT #1: Staff commented that originally, amendments were proposed to remove definitions and change the title of the person responsible for the program. However, upon further review of the rules in conjunction with Executive Order 17-03, staff recommends that this rule be rescinded in its entirety because it simply restates federal requirements.

RESPONSE: The commission agrees with staff. However, because this chapter cannot be rescinded without going through the proper statutory and administrative processes, the commission will withdraw this proposed amendment and begin a new rulemaking to consider the rescission of this rule.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 124—Manufactured Home Tie-Down Systems**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-124.050 Standards is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1184–1185). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from three (3) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Timothy L. DeVine, Your Home Center L.L.C.; and Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA. The commission also received timely written comments about this rule from the staff of the Missouri Public Service Commission (staff). At the public hearing, comments about this rule were received from four (4) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump, Cedar Creek Homes; and Jamie Smith. The industry representatives opposed many of the proposed amendments to rules filed simultaneously with this rule on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and supported the amendments.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. Smith and Mr. DeVine filed written comments opposing the complete package of rule changes in general, though not specifically the changes in this rule. The commenters stated that the changes to manufactured housing rules would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE: Numerous changes have been made to other manufactured housing rules in response to industry and staff comments. However, no changes have been made to this particular rule as a result of these comments.

COMMENT #3: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions

about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #4: Staff supported the proposed amendment to this rule and explained that the amendment was to correct an error in the statutory citation.

RESPONSE: The commission agrees that the amendment is appropriate.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 124—Manufactured Home Tie-Down Systems**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-124.060 Complaints is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1185). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from three (3) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Timothy L. DeVine, Your Home Center L.L.C.; and Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA. The commission also received timely written comments about this rule from the staff of the Missouri Public Service Commission (staff). At the public hearing, comments about this rule were received from four (4) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump, Cedar Creek Homes; and Jamie Smith. The industry representatives opposed many of the proposed amendments to rules filed simultaneously with this rule on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and supported the amendments.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. Smith and Mr. DeVine filed written comments opposing the complete package of rule changes in general, though not specifically the changes in this rule. The commenters stated that the changes to manufactured housing rules would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE: Numerous changes have been made to other manufactured housing rules in response to industry and staff comments. However, no changes have been made to this particular rule as a result of these comments.

COMMENT #3: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #4: Staff supported the proposed amendments to this rule and explained that the amendments were to clarify who may file complaints and to change the title of the person responsible for the manufactured housing program.

RESPONSE: The commission agrees that the amendments are appropriate.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-125.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1185–1186). Changes to the proposed amendment are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments from four (4) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Bryan Crump, Cedar Creek Homes; Timothy L. DeVine, Your Home Center L.L.C.; and Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff) and the Office of the Public Counsel (Public Counsel). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom

Hagar. The industry representatives opposed many of the proposed amendments in other rules being promulgated simultaneously with this rule on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and supported these amendments. Staff also proposed a change to the rule. Public Counsel made a general comment about citation.

COMMENT #1: Public Counsel suggested in a written comment that "Chapter 127" be identified as an administrative rule so that it was not mistaken as a statute.

RESPONSE: Public Counsel may have been commenting on a draft of the amended rule. The suggested change was made prior to publication.

COMMENT #2: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #3: Mr. Smith and Mr. DeVine filed written comments opposing the complete package of rule changes in general, though not specifically the changes in this rule. The commenters stated that the changes to manufactured housing rules would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE: Numerous changes have been made to other manufactured housing rules in response to industry and staff comments. However, because the changes proposed to this rule relate only to defining terms and adding citations, no changes have been made as a result of these comments.

COMMENT #4: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #5: Staff supported the proposed amendments to this rule and explained that the amendments were being proposed in order to streamline all of the commission's manufactured housing regulations. These particular amendments would consolidate most definitions into one (1) location. Staff also recommended deleting the word "shall" in section (1) as it was superfluous.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff that consolidating these definitions will streamline the regulations. It will also adopt the recommended deletion of the word "shall" in section (1).

4 CSR 240-125.010 Definitions

(1) The following definitions, as well as those set out in section 700.010, RSMo and 4 CSR 240-127 apply to this chapter:

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-125.020 General Provisions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1186–1187). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from three (3) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Timothy L. DeVine, Your Home Center L.L.C.; and Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA. The commission also received timely written comments about this rule from the staff of the Missouri Public Service Commission (staff). At the public hearing, comments about this rule were received from four (4) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump, Cedar Creek Homes; and Jamie Smith. The industry representatives opposed many of the proposed amendments to rules filed simultaneously with this rule on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and supported the amendments.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. Smith and Mr. DeVine filed written comments opposing the complete package of rule changes in general, though not specifically the changes in this rule. The commenters stated that the changes to manufactured housing rules would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE: Numerous changes have been made to other manufactured housing rules in response to industry and staff comments. However, no changes have been made to this particular rule as a result of these comments.

COMMENT #3: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions

about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #4: Staff supported the proposed amendment to this rule and explained that the amendment was to change who issues the license.

RESPONSE: The commission agrees that the amendment is appropriate.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-125.040 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1187). Changes to the proposed amendment are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from three (3) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Timothy L. DeVine, Your Home Center L.L.C.; and Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA. The commission also received timely written comments about this rule from the staff of the Missouri Public Service Commission (staff). At the public hearing, comments about this rule were received from four (4) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump, Cedar Creek Homes; and Jamie Smith. The industry representatives opposed many of the proposed amendments to rules filed simultaneously with this rule on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and supported the amendments.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. Smith and Mr. DeVine filed written comments

opposing the complete package of rule changes in general, though not specifically the changes in this rule. The commenters stated that the changes to manufactured housing rules would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE: Numerous changes have been made to other manufactured housing rules in response to industry and staff comments. However, no changes have been made to this particular rule as a result of these comments.

COMMENT #3: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #4: Staff explained that the amendments were being proposed in order to reorganize the rule, add clarification, and add a requirement for additional continuing education classes for installers every three (3) years. However, after further review, staff recommended additional reorganization and removing proposed paragraphs (1)(A)1. and (1)(A)2. because those requirements were not needed in the rule because they were set out in the statutes. Staff commented that it was proposing changes to clarify the rules and update them as needed.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff's proposed deletion of paragraphs (1)(A)1. and (1)(A)2. However, rather than make the reorganizational change proposed in staff's comments, the commission will further rewrite section (1) and add a new subsection (1)(C). Additionally, in response to staff's general comment regarding clarification and updating, a typographical error in subsection (3)(B) is corrected changing the word "manufactured" to "manufacturer."

4 CSR 240-125.040 Manufactured Home Installer License

(1) Requirements for an Installer License.

(A) To be licensed as a manufactured home installer, an applicant shall meet all of the requirements of sections 700.650 to 700.692, RSMo, and submit to the manufactured housing and modular units program—

1. An application form and one hundred fifty dollar (\$150) application fee;

2. The certificate issued by the educational provider; and

3. Proof of liability and workman's compensation insurance coverage as required pursuant to section 700.659, RSMo.

(C) A manufactured home installer must attend certification classes every three (3) years or as otherwise required by the manager.

(3) Primary Installer Responsibilities in addition to (2)(A) and (B) above—

(B) Primary installers who install new manufactured homes in Missouri from dealers, manufacturers, or other entities located in other states shall submit a property locator form provided by the manufactured housing and modular units program prior to placing the manufactured home on the site. Failure to submit the property locator to the manufactured housing and modular units program prior to placing the manufactured home on the site may subject the

installer to the fifty dollar (\$50) inspection fee as defined in 4 CSR 240-120.065(4)(D).

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 125—Manufactured Home Installers

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-125.050 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1187-1188). Changes to the proposed amendment are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from four (4) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Bryan Crump, Cedar Creek Homes; Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA; and the MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom Hagar. The industry representatives opposed many of the proposed amendments on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and generally supported those amendments. However, staff also proposed additional significant changes to the rules.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #3: Staff filed comments explaining that the reason for the original proposed amendments was to add requirements for limited use installers. After further review of the rules, however, staff recommends that most of the changes are unnecessary because they are already set out in the statute governing these installers. Thus, staff recommends that most of the proposed amendments to section (1) and proposed section (2) be rejected and original sections (2) and (3) not be deleted from the rule.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff and will make the changes proposed. Therefore, the commission rejects all but one (1) amendment to section (1), rejects proposed section (2), and will not delete original sections (2) and (3) from the rule.

4 CSR 240-125.050 Limited Use Installer License

(1) To be licensed as a manufactured home limited use installer, an applicant shall submit to the manufactured housing and modular units program a completed application, signed and dated by the applicant, together with the required one hundred fifty dollar (\$150) fee and proof of general liability and workmen's compensation insurance. A limited use installer license allows the holder to perform all of the work performed by a licensed installer under the supervision of a licensed installer.

(2) A limited use installer license shall be valid for a period of one hundred eighty (180) days and may be renewed one (1) time.

(3) If needed, the commission may contact any person or entity to verify the experience of an applicant.

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ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-125.060 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1188-1189). Changes to the proposed amendment are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from seven (7) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Bryan Crump, Cedar Creek Homes; Daniel Ferrell, MMHA; Timothy L. DeVine, Your Home Center L.L.C.; Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA; Tony Taylor, Gifford Homes, Inc.; and the MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom Hagar. In addition, staff offered the written comment of Missouri Senator Sandy Crawford which was received after the comment period closed but

prior to the hearing. The industry representatives and Senator Crawford opposed many of the proposed amendments on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and generally supported those amendments. However, staff also proposed additional significant changes to the rules.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #3: Mr. DeVine filed written comments opposing the complete package of rule changes in general, and specifically stating that the changes with regard to fees would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE AND EXPLANATION OF CHANGE: Numerous changes have been made to this rule in response to the industry, including Mr. DeVine, and staff comments. Specific changes make the filing of a complaint against an installer discretionary, much like the commission decided to make the implementation of fees discretionary in other rules.

COMMENT #4: Mr. Crump did not comment specifically on this rule, but did generally note that there had been a reduction in consumer complaints since training and licensing for home installers was implemented in Missouri in 2009.

RESPONSE: The commission appreciates Mr. Crump's comments. The commission finds that the amendments to this rule will further clarify the requirements and enhance the installer licensing program. No changes were made as a result of this comment.

COMMENT #5: Staff filed comments generally supporting the amendments, but also suggested an additional change due to input from the industry and due to Executive Order 17-03. Staff explained the reason for the original proposed amendments was to change which part of the agency would receive the submission and notifications. That is, the submissions would now be made with the manager of the manufactured housing program. Additionally, a section was added describing actions to be taken against an installer's license for failure to comply.

After meeting with industry representatives and considering their comments and Executive Order 17-03, staff recommended that minor wording changes be made to proposed subsection (3)(B) to make filing a complaint discretionary, rather than mandatory.

RESPONSE AND EXPLANATION OF CHANGE: In consideration of the comments of staff in conjunction with the comments of the industry representatives, the commission determines that the rule should be further amended.

The commission determines that enforcement actions should not be automatic or mandatory in nature. Rather, as staff has suggested, complaints filed by the manager should be discretionary. Therefore, the commission has further amended subsection (3)(B).

4 CSR 240-125.060 Licensing

(3) License Suspension and Revocation.

(B) The commission may suspend an installer license for up to thirty (30) days for failure to comply with the provisions of Chapter 700 RSMo, the rules promulgated thereunder, or the act or the code(s) as adopted under this chapter. If conditions have not been remedied within thirty (30) days, the manager may file, with the commission, a complaint against the installer for failure to comply with a commission rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 125—Manufactured Home Installers

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-125.070 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1189-1191). Changes to the proposed amendment are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from seven (7) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Bryan Crump, Cedar Creek Homes; Daniel Ferrell, MMHA; Timothy L. DeVine, Your Home Center L.L.C.; Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA; Tony Taylor, Gifford Homes, Inc.; and the MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom Hagar. In addition, staff offered the written comment of Missouri Senator Sandy Crawford which was received after the comment period closed but prior to the hearing. The industry representatives and Senator Crawford opposed many of the proposed amendments on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and generally supported those amendments. However, staff also proposed additional significant changes to the rules.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and pre-

pare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #3: Mr. Smith, Mr. AuBuchon, Mr. Crump, Mr. Hagar, and the MMHA made written and oral comments opposing the amendments for similar reasons. In general, the commenters stated that the amendments were burdensome to the industry, would ultimately cause additional expense to the consumers, and would deter manufacturing in the state. Specifically, the industry objected to the increased decal costs proposed in this rule. Mr. Crump stated that he believed the fiscal impact to be greater than estimated by the commission.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comments in conjunction with the comments of staff as set out below. The commission finds that the fee for decals should be changed to twenty-seven dollars (\$27).

COMMENT #4: Senator Crawford, Mr. Smith, Mr. AuBuchon, Mr. Crump, Mr. Ferrell, Mr. Taylor, and the MMHA opposed changing the imposition of fees for not complying with the statutes and regulations from discretionary to mandatory. The commenters stated that this change was too harsh and was unnecessary. The commenters stated that the industry had a few bad actors that needed to have regulatory fees applied, but the majority of the industry operated within the requirements and were upstanding businesses. Several of the commenters cited to a reduction in consumer complaints since training and licensing for home installers has been implemented in Missouri in 2009.

RESPONSE AND EXPLANATION OF CHANGE: The commission determines that the enforcement actions and fees should not be automatic or mandatory in nature. Rather, the enforcement of fees for late submission of reports should be carried out after an attempt to communicate with the entity involved and after consultation with the staff director. During this consultation, potential mitigating factors, including, but not limited to, the number of similar noncompliance issues, circumstances that may have been beyond the entity's control, and the entity's responsiveness to commission requirements should be considered. Further, in response to the industry's concerns and in order to maintain oversight of the manager and the fee and waiver process, the commission determines that the manager should track any fees assessed or waived under subsection (3)(G) of the rule and provide a report on a quarterly basis to the commission. Therefore, the commission has further amended section (3).

COMMENT #5: Staff filed comments generally supporting the amendments, but also suggested some changes due to input from the industry and due to Executive Order 17-03. Staff explained the reason for the original proposed amendments was to provide clarification about the process, to increase the fee for installation decals due

to increased costs, and to make enforcement of fees for late submissions mandatory rather than discretionary. After meeting with industry representatives and considering their comments and considering Executive Order 17-03, staff re-examined the proposed costs for fees and recommended increasing the fee by only two dollars (\$2) from twenty-five dollars (\$25) to twenty-seven dollars (\$27). Staff also recommended deleting certain subsections that merely restated the statutory requirements and deleting proposed section (4) if fees are not mandatory.

RESPONSE AND EXPLANATION OF CHANGE: In consideration of the comments of staff in conjunction with the comments of the industry representatives, the commission determines that the rule should be further amended.

The commission determines that the enforcement actions and fees should not be automatic or mandatory in nature. Rather, the enforcement of fees for late submission of reports should be carried out after an attempt to communicate with the entity involved and after consultation with the staff director. During this consultation, potential mitigating factors, including, but not limited to, the number of similar noncompliance issues, circumstances that may have been beyond the entity's control, and the entity's responsiveness to commission requirements should be considered. Further, in response to the industry's concerns and in order to maintain oversight of the manager and the fee and waiver process, the commission determines that the manager should track any fees assessed or waived under subsection (3)(G) of the rule and provide a report on a quarterly basis to the commission. Therefore, the commission has further amended section (3) and has amended the fiscal note.

The commission has also considered the comments of staff and will make further alterations to the reporting requirements as found in proposed sections (3) and (4).

COMMENT #6: Mr. Crump also commented that the reporting requirements need to be further reduced as they were too onerous.

RESPONSE: The commission is in the process of implementing a new computerized reporting system that should greatly simplify reporting requirements. Therefore, the commission will not make any changes to the rule at this time as a result of this comment.

4 CSR 240-125.070 Installation Decals

(1) Requirements for Installation Decals.

(D) Decals may be purchased by licensed installers by submitting an application to the manufactured housing and modular units program, in duplicate together with the appropriate twenty-seven dollars (\$27) for each decal.

(3) Monthly Installation Decal Report.

(F) The manager may reject all monthly reports that are incomplete and require the installer to submit corrected reports.

(G) The manager, in consultation with the commission staff director, after attempting to contact the entity involved and documenting consideration of potential mitigating factors, including, but not limited to, the number of similar non-compliance issues, circumstances beyond the installer's control, and the installer's responsiveness to commission requirements, may assess a late submission fee of fifty dollars (\$50) per report for each report that is filed sixty (60) days after the due date. The manager will track fees assessed or waived under this provision, along with any documented consideration of mitigating factors, and compile a quarterly report summarizing such information for review by the commission.

(H) The commission may suspend the installer's license for any report not submitted within sixty (60) days of the due date.

(I) Failure to submit a completed monthly report within ninety (90) days of the due date or failure to pay any required fees could result in revocation of the installer's license.

to be five thousand three hundred seventy dollars (\$5,370) in the aggregate over a three- (3-) year life of the rule. The private entity cost for three (3) years was previously estimated as twenty-six thousand eight hundred fifty dollars (\$26,850).

REVISED PRIVATE COST: *The cost to private entities is estimated*

**REVISED FISCAL NOTE
PRIVATE COST**

- I. Department Title:** Missouri Department of Economic Development
Division Title: Missouri Public Service Commission
Chapter Title: Chapter 125 – Manufactured Home Installers

Rule Number and Title:	4 CSR 240- 125.070 Inspections
Type of Rulemaking:	Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
88	Regulated installers of manufactured homes	\$5,370 (over a 3-year period)

III. WORKSHEET

Installer decals are required to be affixed to a manufactured home by licensed installers upon completion of the blocking and leveling. These decals are purchased from the Manufactured Housing and Modular Units Program.

The Program has experienced approximately a 300% increase in the costs to purchase the decals from the supplier, coupled with increased operational expenses, so as to necessitate an increase of the existing fee from \$25 per decal to the proposed \$27 per decal.

Based on historical decal data, increasing the fee from \$25 to \$27 per decal results in an estimated fiscal impact of \$5,370.

$\$2 \text{ increase} * 895 \text{ decals} * 3 \text{ years} = \$5,370.$

IV. ASSUMPTIONS

There are 88 active installers

895 decals will be issued annually by the Missouri Manufactured Housing and Modular Units Program.

The estimated aggregate cost of compliance assumes the projected cost over a three year period.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-125.090 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1192). Changes to the proposed amendment are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from seven (7) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Bryan Crump, Cedar Creek Homes; Daniel Ferrell, MMHA; Timothy L. DeVine, Your Home Center L.L.C.; Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA; Tony Taylor, Gifford Homes, Inc.; and the MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom Hagar. In addition, staff offered the written comment of Missouri Senator Sandy Crawford which was received after the comment period closed but prior to the hearing. The industry representatives and Senator Crawford opposed many of the proposed amendments on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and generally supported those amendments. However, staff also proposed additional significant changes to the rules.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in

the context of those rules.

COMMENT #3: Senator Crawford, Mr. Smith, Mr. AuBuchon, Mr. Crump, Mr. Ferrell, Mr. Taylor, and the MMHA opposed changing the imposition of fees for not complying with the statutes and regulations from discretionary to mandatory. The commenters stated that this change was too harsh and was unnecessary. The commenters stated that the industry had a few bad actors that needed to have regulatory fees applied, but the majority of the industry operated within the requirements and were upstanding businesses. Several of the commenters cited to a reduction in consumer complaints since training and licensing for home installers has been implemented in Missouri in 2009.

RESPONSE AND EXPLANATION OF CHANGE: The commission determines that the enforcement actions and fees should not be automatic or mandatory in nature. Rather, the filing of complaints should be carried out only after the manager has consulted with the staff director. Therefore, the commission has further amended section (7).

COMMENT #4: Staff filed comments generally supporting the amendments, but also suggested some changes due to input from the industry and due to Executive Order 17-03. Staff explained the reason for the original proposed amendments was to add a process for staff counsel to send a letter to all responsible parties if repairs were not completed by the deadline and then a process for automatically filing a formal complaint. After meeting with industry representatives and considering their comments and considering Executive Order 17-03, staff recommended revising section (7) to make the filing of a complaint discretionary after the manager consults with the staff director.

RESPONSE AND EXPLANATION OF CHANGE: In consideration of the comments of staff in conjunction with the comments of the industry representatives, the commission finds that the rule should be further amended. The commission finds that the filing of a complaint should not be automatic or mandatory in nature but should be discretionary and only after the manager consults with the staff director. Therefore, the commission has further amended section (7).

4 CSR 240-125.090 Dispute Resolution

(7) If the repairs are not completed by the original or duly-extended deadline, the manager, after consultation with the commission staff director, may file a formal complaint with the commission.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 126—Manufactured Housing Consumer
Recovery Fund**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-126.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1192–1193). Changes to the proposed amendment are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission

received timely written comments from four (4) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Bryan Crump, Cedar Creek Homes; Timothy L. DeVine, Your Home Center L.L.C.; and Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff) and the Office of the Public Counsel (Public Counsel). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom Hagar. The industry representatives opposed many of the proposed amendments in other rules being promulgated simultaneously with this rule on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and supported these amendments. Staff also proposed a change to the rule. Public Counsel made a general comment about citation.

COMMENT #1: Public Counsel suggested in a written comment that "Chapter 127" be identified as an administrative rule so that it was not mistaken as a statute.

RESPONSE: Public Counsel may have been commenting on a draft of the amended rule. The suggested change was made prior to publication.

COMMENT #2: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #3: Mr. Smith and Mr. DeVine filed written comments opposing the complete package of rule changes in general, though not specifically the changes in this rule. The commenters stated that the changes to manufactured housing rules would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE: Numerous changes have been made to other manufactured housing rules in response to industry and staff comments. However, because the changes proposed to this rule relate only to defining terms and adding citations, no changes have been made as a result of these comments.

COMMENT #4: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #5: Staff supported the proposed amendments to this rule and explained that the amendments were being proposed in order

to streamline all of the commission's manufactured housing regulations. These particular amendments would consolidate most definitions into one (1) location. Staff also recommended deleting the word "shall" in section (1) as it was superfluous.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff that consolidating these definitions will streamline the regulations. It will also adopt the recommended deletion of the word "shall" in section (1).

4 CSR 240-126.010 Definitions

(1) The following definitions, as well as those set out in section 700.010, RSMo, and 4 CSR 240-127 apply to this chapter:

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 126—Manufactured Housing Consumer Recovery Fund

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 700.040, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-126.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1193-1194). Changes to the proposed amendment are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments regarding this rule from three (3) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Timothy L. DeVine, Your Home Center L.L.C.; and Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA. The commission also received timely written comments about this rule from the staff of the Missouri Public Service Commission (staff). At the public hearing, comments about this rule were received from four (4) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump, Cedar Creek Homes; and Jamie Smith. The industry representatives opposed many of the proposed amendments to rules filed simultaneously with this rule on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the amendments and supported the amendments.

COMMENT #1: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule amendments. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #2: Mr. Smith and Mr. DeVine filed written comments opposing the complete package of rule changes in general, though not

specifically the changes in this rule. The commenters stated that the changes to manufactured housing rules would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE: Numerous changes have been made to other manufactured housing rules in response to industry and staff comments. However, no changes have been made to this particular rule as a result of these comments.

COMMENT #3: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #4: Staff supported the proposed amendments to this rule and explained that the amendments were being proposed to add federal regulations to the list of governing standards that may constitute grounds for a claim, add how to address costs incurred as a result of a defunct entity, add the word "or" to section (6) to show that one (1) requirement must be met instead of all requirements, and to remove the sixty- (60-) day timeframe for the advisory committee to submit a recommendation because it was found to be unworkable in practice. Additionally, staff proposed further wording changes to sections (2), (4), and (5) in order to remove unnecessarily restrictive language and to clarify the sections. Staff commented that it was proposing changes to clarify the rules and update them as needed.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff's proposed changes except that, the commission has rewritten section (2) further for clarity. Therefore, the commission further amends sections (2), (4), and (5). Additionally, in response to staff's general comment regarding clarification and updating, the commission will correct a grammatical error in the proposed subsection (3)(H) changing the wording "as a result of" to "because."

4 CSR 240-126.020 Consumer Recovery Fund

(2) The advisory committee shall consist of three (3) members to assist the commission in the administration and investigation of all claims submitted by consumers under this rule. The committee members shall include the manager, one (1) person from the commission's staff counsel's office, and one (1) member of the Missouri Manufactured Housing Association.

(3) In order to receive a disbursement of funds from the Recovery Fund, the following criteria shall be met:

(H) The amount requested by the consumer must reflect the actual cost of repairs or additional costs incurred because a manufacturer, dealer, or installer is out-of-business, bankrupt, closed, dissolved, or no longer subject to the jurisdiction of the commission. In no event shall a reimbursement amount be made from the Recovery Fund in excess of five thousand dollars (\$5,000) for single section homes and seven thousand five hundred (\$7,500) for multi-section homes. No claim shall include attorney's fees, double, treble, punitive, or exemplary damages.

(4) Upon receipt of a claim form, the advisory committee will inves-

tigate and determine whether the requirements of this rule have been met and shall present its findings to the commission in the form of a recommendation.

(5) Recommendations of the advisory committee for disbursement of funds from the Recovery Fund shall be subject to the approval of the commission.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 127—Manufactured Homes and Modular Units

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 700.040 and 700.692, RSMo 2016, the commission adopts a rule as follows:

4 CSR 240-127.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 15, 2017 (42 MoReg 1194-1196). Changes to the proposed rule are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended September 15, 2017, and the commission held a public hearing on the proposed amendment on September 22, 2017. The commission received timely written comments from four (4) manufactured housing industry representatives including: Thomas Hagar, Executive Director, Missouri Manufactured Housing Association (MMHA); Bryan Crump, Cedar Creek Homes; Timothy L. DeVine, Your Home Center L.L.C.; and Jamie Smith, Managing Partner/General Manager, Clayton Homes of Lebanon, and Vice-President-Board of Directors of MMHA. The commission also received timely written comments from the staff of the Missouri Public Service Commission (staff) and the Office of the Public Counsel (Public Counsel). At the public hearing testimony was received from five (5) commenters: Mark Johnson, Staff Counsel representing staff; Rich AuBuchon, an attorney representing MMHA; Bryan Crump; Jamie Smith; and Tom Hagar. The industry representatives opposed many of the proposed amendments in other rules being promulgated simultaneously with this rule on the grounds that they would be burdensome on the manufactured housing industry. Staff explained the reason for the rule and supported it. Staff also proposed a change to the rule. Public Counsel made a general comment about citation.

COMMENT #1: Public Counsel suggested in a written comment that "Chapter 127" be identified as an administrative rule so that it was not mistaken as a statute.

RESPONSE: Public Counsel may have been commenting on a draft of the proposed rule. The suggested change was made prior to publication.

COMMENT #2: Mr. Hagar made a general written comment regarding the amendments proposed to the entire package of manufactured housing rules. He expressed concern that the date set for the hearing did not allow the MMHA members sufficient time to review and prepare comments on the rule changes. Mr. Hagar requested the hearing be delayed.

RESPONSE: The date for the hearing had already been published in the *Missouri Register* when the comment was received, and could not be postponed. Members of the MMHA participated in the hearing and filed written comments.

COMMENT #3: Mr. Smith and Mr. DeVine filed written comments opposing the complete package of rule changes in general, though not specifically this proposed rule. The commenters stated that the changes to manufactured housing rules would add excessive regulations on the manufactured housing industry, deter business growth, and add costs to consumers.

RESPONSE: Numerous changes have been made to other manufactured housing rules in response to industry and staff comments. However, because this proposed rule relates only to defining terms, no changes have been made as a result of these comments.

COMMENT #4: Mr. AuBuchon commented at the hearing on behalf of the MMHA. Mr. Crump and Mr. Smith commented at the hearing that they agreed with Mr. AuBuchon's comments. Mr. AuBuchon gave general comments about and a history of the rulemaking process for all the manufactured housing rules that are being simultaneously promulgated with this rule. Mr. AuBuchon also made suggestions about how the commission could have communicated better with the industry.

RESPONSE: The comments of the manufactured housing industry representatives are appreciated by the commission. However, because the process was completed in accordance with the statutory requirements and the comments were general in nature, no changes to the rules were made as a result of these general comments. The comments specific to other manufactured housing rules are addressed in the context of those rules.

COMMENT #5: Staff supported the proposed rule and explained that the rule was being proposed in order to streamline all of the commission's manufactured housing regulations. This particular rule would consolidate most definitions into one (1) location. Staff also recommended deleting the word "shall" in section (1) as it was superfluous.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff that consolidating these definitions will streamline the regulations. It will also adopt the recommended deletion of the word "shall" in section (1).

4 CSR 240-127.010 Definitions

(1) The following definitions apply to Chapter 120, Chapter 121, Chapter 123, Chapter 124, Chapter 125, and Chapter 126:

Title 16—RETIREMENT SYSTEMS Division 10—The Public School Retirement System of Missouri Chapter 5—Retirement, Options and Benefits

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.020, RSMo 2016, the board of trustees hereby amends a rule of The Public School Retirement System of Missouri as follows:

16 CSR 10-5.010 Service Retirement is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 16, 2017 (42 MoReg 1552-1553). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS Division 10—The Public School Retirement System of Missouri Chapter 6—The Public Education Employee Retirement System of Missouri

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.610, RSMo 2016, the board of trustees hereby amends a rule of The Public School Retirement System of Missouri as follows:

16 CSR 10-6.060 Service Retirement is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 16, 2017 (42 MoReg 1553-1554). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2016, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to adrules.dissolutions@sos.mo.gov.

NOTICE TO UNKNOWN CREDITORS OF SETTER'S POINTE, LLC

Setter's Pointe, LLC (the "Company") has been dissolved pursuant to Section 347.137 of the Missouri Limited Liability Company Act by filing Articles of Termination with the Missouri Secretary of State on December 15, 2017. Pursuant to Section 347.141 of the Missouri Limited Liability Company Act, any claims against the Company must be sent to:

Bradley S. Bockelman
Setter's Pointe, LLC
301 North Price
Harrisonville, MO 64701

Claims submitted must include the following information: (1) claimant name, address and phone number; (2) name of debtor, (3) account or other number by which the debtor may identify the claimant; (4) a brief description of the nature of the debt or the basis of the claim; (5) the amount of the claim; (6) the date the claim was incurred; and (7) supporting documentation for the claim, if any.

**NOTICE: CLAIMS OF CREDITORS OF THE CORPORATION WILL BE BARRED
UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN
THREE (3) YEARS OF THE DATE OF THIS NOTICE.**

NOTICE OF DISSOLUTION TO ALL CREDITORS AND CLAIMANTS AGAINST ROXBURY REALTY CO.

Roxbury Realty Co., a Missouri corporation, filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State on December 18, 2017.

Any and all claims against Roxbury Realty Co. must be sent to: Rhonda A. O'Brien, Esq., Lashly & Baer, P.C., 714 Locust Street, St. Louis, Missouri 63101-1699

Each claim must include the following: the name, address, and telephone number of the claimant; the amount of the claim; the basis of the claim; and the date(s) of the event(s) giving rise to the claim.

Any and all claims against Roxbury Realty Co. will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the date of publication of this notice.

**NOTICE TO UNKNOWN CREDITORS OF
TWIN OAKS FOUR, LLC**

Twin Oaks Four, LLC (the "Company") has been dissolved pursuant to Section 347.137 of the Missouri Limited Liability Company Act by filing Articles of Termination with the Missouri Secretary of State on December 15, 2017. Pursuant to Section 347.141 of the Missouri Limited Liability Company Act, any claims against the Company must be sent to:

Bradley S. Bockelman
Twin Oaks Four, LLC
301 North Price
Harrisonville, MO 64701

Claims submitted must include the following information: (1) claimant name, address and phone number; (2) name of debtor, (3) account or other number by which the debtor may identify the claimant; (4) a brief description of the nature of the debt or the basis of the claim; (5) the amount of the claim; (6) the date the claim was incurred; and (7) supporting documentation for the claim, if any.

**NOTICE: CLAIMS OF CREDITORS OF THE CORPORATION WILL BE BARRED
UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN
THREE (3) YEARS OF THE DATE OF THIS NOTICE.**

**NOTICE OF DISSOLUTION
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
APISMELLIS HOMECARE, LLC**

The members and managers of Apismellis Homecare, LLC, a Missouri limited liability company (the "Company"), authorized the dissolution of the Company on December 20, 2017.

The Company requests that all persons with claims against the Company present them as follows:

1. In order to file a claim with the Company, you must furnish in writing: (i) your name, address, phone number and email address; (ii) the amount of the claim; (iii) a brief description of the basis for the claim; (iv) the date on which the event giving rise to the claim occurred; and (v) all necessary documentation supporting the claim.
2. All claims must be mailed to: David S. Raskas, 12045 Gailcrest, St. Louis, Missouri, 63131.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the date of publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED PARTNERSHIP TO ALL CREDITORS
AND CLAIMANTS AGAINST THE BROADMOOR PARTNERSHIP, L.P.**

Notice is given that The Broadmoor Partnership, L.P. with its registered office at 621 S. Main Street, St. Charles, Missouri 63301, filed a Notice of Dissolution with the Missouri Secretary of State in accordance with Missouri statutes governing limited partnerships on ~~December 14, 2017~~.

The Broadmoor Partnership, L.P. requests that any persons or entities with claims against it present the claims in accordance with the Missouri Uniform Limited Partnership law. The claim must include: 1) the name of the Claimant; 2) the Claimant's mailing address; and 3) information describing the claim with specificity. The claim must be sent to Darold William Jackson, General Partner, 621 S. Main Street, St. Charles, Missouri 63301. A claim against The Broadmoor Partnership, L.P., not otherwise barred, will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION AND
WINDING UP OF LIMITED LIABILITY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
BCP LAND COMPANY, LLC**

On December 15, 2017, BCP Land Company, LLC, a Missouri limited liability company (the "Company"), filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. The dissolution was effective on that date.

You are hereby notified that if you believe you have a claim against the Company, you must submit a written summary of your claim to the Company in care of James C. Tilden, Seigfreid Bingham, P.C., 2323 Grand Boulevard, Suite 1000, Kansas City, Missouri 64108. The summary of your claim must include the following information:

1. The name, address and telephone number of the claimant;
2. The amount of the claim;
3. The date on which the claim is based occurred;
4. A brief description of the nature of the debt or the basis for the claim; and
5. Whether the claim is secured, and if so, the collateral used as security.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after publication of this notice.

NOTICE OF WINDING UP for Limited Liability Company

TO ALL CREDITORS OF AND CLAIMANTS AGAINST

JJ I-81, LLC

On **January 2, 2018**, JJ I-81, LLC, a Missouri Limited Liability Company (the "LLC"), will dissolve and thereupon wind up business.

Any claims against the LLC should be directed to: Peggy Siefken, 9830 Colonnade Blvd., Suite 600, San Antonio, TX 78230-2239. Each claim must include the following information: (1) name, address and telephone number of the claimant; (2) date on which the claim arose; (3) basis for the claim; and (4) documentation in support of the claim.

All claims against the LLC will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF WINDING UP TO
ALL CREDITORS AND CLAIMS AGAINST
CROSS4 MO-1, LLC**

You are hereby notified that on December 31, 2017, CROSS4 MO-1, LLC, a Missouri limited liability company (the "Company"), the principal office of which is located in Cherokee County, Kansas filed Articles of Dissolution by Voluntary Action with the Missouri Secretary of State. Pursuant to Section 347.141 RSMo, any claims against the Company must be mailed to:

CROSS4 MO-1, LLC
c/o Crossland Construction Co.
833 S. East Avenue
P.O. Box 45
Columbus, KS 66725
Attn: Legal

Claims submitted must include the following information: (1) claimant name, address and telephone number; (2) name of debtor; (3) account or other number by which debtor may identify the creditor; (4) a brief description of the nature of the debt or basis of the claim; (5) the amount of the claim; (6) the date the claim was incurred; and (7) supporting documentation for the claim, if any.

All Claims against CROSS4 MO-1, LLC will be barred unless a claim is received by the Company within three (3) years after the publication of this notice.

**NOTICE OF WINDING UP TO
ALL CREDITORS AND CLAIMANTS AGAINST
CROSS4 MO-2, LLC**

You are hereby notified that on December 31, 2017, CROSS4 MO-2, LLC, a Missouri limited liability company (the "Company"), the principal office of which is located in Cherokee County, Kansas filed Articles of Dissolution by Voluntary Action with the Missouri Secretary of State. Pursuant to Section 347.141 RSMo, any claims against the Company must be mailed to:

CROSS4 MO-2, LLC
c/o Crossland Construction Co.
833 S. East Avenue
P.O. Box 45
Columbus, KS 66725
Attn: Legal

Claims submitted must include the following information: (1) claimant name, address and telephone number; (2) name of debtor; (3) account or other number by which debtor may identify the creditor; (4) a brief description of the nature of the debt or basis of the claim; (5) the amount of the claim; (6) the date the claim was incurred; and (7) supporting documentation for the claim, if any.

All Claims against CROSS4 MO-2, LLC will be barred unless a claim is received by the Company within three (3) years after the publication of this notice.

**Notice of Dissolution of Limited Partnership To All Creditors of and Claimants Against
Bick Mercantile Drive Limited Partnership**

On December 20, 2017, Bick Mercantile Drive Limited Partnership, a Missouri limited partnership, was cancelled upon the filing of its Cancellation of Registration of Limited Partnership with the Missouri Secretary of State.

All persons with claims against the limited partnership may submit any claim in accordance with this notice to: Carmody MacDonald P.C., 120 S. Central Avenue, Suite 1800, St. Louis, MO 63105, Attention: Leo H. MacDonald, Jr. All claims must include the name and address and telephone number of the claimant; the amount claimed; the basis for the claim; the documentation of the claim; and the date(s) of the event(s) on which the claim is based occurred.

All claims against the limited partnership will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—42 (2017) and 43 (2018). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	OFFICE OF ADMINISTRATION				
1 CSR 20-5.015	State Officials' Salary Compensation Schedule				42 MoReg 1849
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel		41 MoReg 1538		
	Personnel Advisory Board and Division of Personnel		41 MoReg 1539		
2 CSR 90-10	DEPARTMENT OF AGRICULTURE				
	Weights, Measures and Consumer Protection				42 MoReg 1203
3 CSR 10-3.010	DEPARTMENT OF CONSERVATION				
3 CSR 10-5.425	Conservation Commission		42 MoReg 1363	43 MoReg 89	
3 CSR 10-7.455	Conservation Commission		42 MoReg 1363	43 MoReg 89	
3 CSR 10-8.510	Conservation Commission		42 MoReg 1364	43 MoReg 89	43 MoReg 93
3 CSR 10-9.110	Conservation Commission		42 MoReg 1364	43 MoReg 90	
3 CSR 10-9.625	Conservation Commission		42 MoReg 1365	43 MoReg 90	
3 CSR 10-10.727	Conservation Commission		42 MoReg 1365	43 MoReg 90	
3 CSR 10-10.744	Conservation Commission		42 MoReg 1366	43 MoReg 90	
3 CSR 10-10.767	Conservation Commission		42 MoReg 1366	43 MoReg 90	
3 CSR 10-11.180	Conservation Commission		42 MoReg 1366	43 MoReg 91	
3 CSR 10-12.110	Conservation Commission		42 MoReg 1368	43 MoReg 91	
3 CSR 10-12.115	Conservation Commission		42 MoReg 1368	43 MoReg 91	
3 CSR 10-12.135	Conservation Commission		42 MoReg 1368	43 MoReg 91	
3 CSR 10-20.805	Conservation Commission		42 MoReg 1372	43 MoReg 91	
4 CSR 240-3.050	DEPARTMENT OF ECONOMIC DEVELOPMENT				
4 CSR 240-3.163	Public Service Commission		42 MoReg 1641R		
4 CSR 240-3.164	Public Service Commission		42 MoReg 1231R	43 MoReg 13R	
4 CSR 240-10.075	Public Service Commission		42 MoReg 1231R	43 MoReg 13R	
4 CSR 240-18.010	Public Service Commission		42 MoReg 1641		
4 CSR 240-120.011	Public Service Commission		42 MoReg 1232	43 MoReg 13	
4 CSR 240-120.031	Public Service Commission		42 MoReg 1145	This Issue	
4 CSR 240-120.060	Public Service Commission		42 MoReg 1146	This Issue	
4 CSR 240-120.065	Public Service Commission		42 MoReg 1147	This Issue	
4 CSR 240-120.070	Public Service Commission		42 MoReg 1151	This Issue	
4 CSR 240-120.080	Public Service Commission		42 MoReg 1151	This Issue	
4 CSR 240-120.085	Public Service Commission		42 MoReg 1151	This Issue	
4 CSR 240-120.090	Public Service Commission		42 MoReg 1156	This Issue	
4 CSR 240-120.100	Public Service Commission		42 MoReg 1158	This Issue	
4 CSR 240-120.110	Public Service Commission		42 MoReg 1158	This Issue	
4 CSR 240-120.120	Public Service Commission		42 MoReg 1159	This Issue	
4 CSR 240-120.130	Public Service Commission		42 MoReg 1159	This Issue	
4 CSR 240-120.140	Public Service Commission		42 MoReg 1160	This Issue	
4 CSR 240-121.010	Public Service Commission		42 MoReg 1161	This IssueW	
4 CSR 240-121.020	Public Service Commission		42 MoReg 1161	This IssueW	
4 CSR 240-121.030	Public Service Commission		42 MoReg 1162	This IssueW	
4 CSR 240-121.040	Public Service Commission		42 MoReg 1163	This IssueW	
4 CSR 240-121.050	Public Service Commission		42 MoReg 1163	This IssueW	
4 CSR 240-121.060	Public Service Commission		42 MoReg 1164	This IssueW	
4 CSR 240-121.180	Public Service Commission		42 MoReg 1164	This IssueW	
4 CSR 240-123.010	Public Service Commission		42 MoReg 1164	This Issue	
4 CSR 240-123.020	Public Service Commission		42 MoReg 1165	This Issue	
4 CSR 240-123.030	Public Service Commission		42 MoReg 1166	This Issue	
4 CSR 240-123.040	Public Service Commission		42 MoReg 1167	This Issue	
4 CSR 240-123.050	Public Service Commission		42 MoReg 1169	This Issue	
4 CSR 240-123.060	Public Service Commission		42 MoReg 1169	This Issue	
4 CSR 240-123.065	Public Service Commission		42 MoReg 1170	This Issue	
4 CSR 240-123.070	Public Service Commission		42 MoReg 1174	This Issue	
4 CSR 240-123.080	Public Service Commission		42 MoReg 1174	This Issue	
4 CSR 240-123.090	Public Service Commission		42 MoReg 1175	This Issue	
4 CSR 240-123.095	Public Service Commission		42 MoReg 1176	This Issue	
4 CSR 240-124.010	Public Service Commission		42 MoReg 1180	This Issue	
4 CSR 240-124.020	Public Service Commission		42 MoReg 1180	This Issue	
4 CSR 240-124.030	Public Service Commission		42 MoReg 1180	This Issue	
4 CSR 240-124.040	Public Service Commission		42 MoReg 1181	This Issue	
4 CSR 240-124.045	Public Service Commission		42 MoReg 1182	This IssueW	
4 CSR 240-124.050	Public Service Commission		42 MoReg 1184	This Issue	
4 CSR 240-124.060	Public Service Commission		42 MoReg 1185	This Issue	
4 CSR 240-125.010	Public Service Commission		42 MoReg 1185	This Issue	
4 CSR 240-125.020	Public Service Commission		42 MoReg 1186	This Issue	
4 CSR 240-125.040	Public Service Commission		42 MoReg 1187	This Issue	
4 CSR 240-125.050	Public Service Commission		42 MoReg 1187	This Issue	
4 CSR 240-125.060	Public Service Commission		42 MoReg 1188	This Issue	
4 CSR 240-125.070	Public Service Commission		42 MoReg 1189	This Issue	
4 CSR 240-125.090	Public Service Commission		42 MoReg 1192	This Issue	
4 CSR 240-126.010	Public Service Commission		42 MoReg 1192	This Issue	
4 CSR 240-126.020	Public Service Commission		42 MoReg 1193	This Issue	
4 CSR 240-127.010	Public Service Commission		42 MoReg 1194	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 340-2	Division of Energy				42 MoReg 749 43 MoReg 15
4 CSR 340-6.010	Division of Energy		41 MoReg 1908		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 20-100.210	Division of Learning Services		42 MoReg 1071	42 MoReg 1797	
5 CSR 20-300.110	Division of Learning Services		N.A.	42 MoReg 1797	
5 CSR 20-300.150	Division of Learning Services		42 MoReg 1072R	42 MoReg 1798R	
5 CSR 20-400.640	Division of Learning Services		42 MoReg 1581		
5 CSR 20-500.310	Division of Learning Services		42 MoReg 1760R		
5 CSR 20-500.340	Division of Learning Services		42 MoReg 1760R		
DEPARTMENT OF HIGHER EDUCATION					
6 CSR 10-4.010	Commissioner of Higher Education		This Issue		
DEPARTMENT OF TRANSPORTATION					
7 CSR	Department of Transportation				41 MoReg 845
7 CSR 10-1.010	Missouri Highways and Transportation Commission		42 MoReg 1643		
7 CSR 10-3.010	Missouri Highways and Transportation Commission		42 MoReg 1825		
7 CSR 10-3.020	Missouri Highways and Transportation Commission		42 MoReg 1831		
7 CSR 10-3.030	Missouri Highways and Transportation Commission		42 MoReg 1832		
7 CSR 10-4.010	Missouri Highways and Transportation Commission		42 MoReg 1833		
7 CSR 10-4.020	Missouri Highways and Transportation Commission		42 MoReg 1834		
7 CSR 10-5.010	Missouri Highways and Transportation Commission		42 MoReg 1412		
7 CSR 10-6.020	Missouri Highways and Transportation Commission		42 MoReg 1413		
7 CSR 10-6.030	Missouri Highways and Transportation Commission		42 MoReg 1414		
7 CSR 10-6.040	Missouri Highways and Transportation Commission		42 MoReg 1415		
7 CSR 10-6.050	Missouri Highways and Transportation Commission		42 MoReg 1416		
7 CSR 10-6.060	Missouri Highways and Transportation Commission		42 MoReg 1417		
7 CSR 10-6.070	Missouri Highways and Transportation Commission		42 MoReg 1418		
7 CSR 10-6.080	Missouri Highways and Transportation Commission		42 MoReg 1419		
7 CSR 10-6.085	Missouri Highways and Transportation Commission		42 MoReg 1420		
7 CSR 10-6.090	Missouri Highways and Transportation Commission		42 MoReg 1423		
7 CSR 10-6.100	Missouri Highways and Transportation Commission		42 MoReg 1424		
7 CSR 10-7.010	Missouri Highways and Transportation Commission		42 MoReg 1645		
7 CSR 10-12.010	Missouri Highways and Transportation Commission		42 MoReg 1646		
7 CSR 10-12.020	Missouri Highways and Transportation Commission		42 MoReg 1646		
7 CSR 10-12.030	Missouri Highways and Transportation Commission		42 MoReg 1647		
7 CSR 10-17.020	Missouri Highways and Transportation Commission		42 MoReg 1648		
7 CSR 10-17.030	Missouri Highways and Transportation Commission		42 MoReg 1651		
7 CSR 10-17.040	Missouri Highways and Transportation Commission		42 MoReg 1652		
7 CSR 10-17.050	Missouri Highways and Transportation Commission		42 MoReg 1653		
7 CSR 10-17.060	Missouri Highways and Transportation Commission		42 MoReg 1654		
7 CSR 10-18.020	Missouri Highways and Transportation Commission		42 MoReg 91		
			42 MoReg 1655		
7 CSR 10-19.010	Missouri Highways and Transportation Commission		42 MoReg 93R		
7 CSR 10-24.010	Missouri Highways and Transportation Commission		43 MoReg 39		
7 CSR 10-24.020	Missouri Highways and Transportation Commission		43 MoReg 41		
7 CSR 10-24.030	Missouri Highways and Transportation Commission		43 MoReg 41		
7 CSR 10-24.050	Missouri Highways and Transportation Commission		43 MoReg 42		
7 CSR 10-24.060	Missouri Highways and Transportation Commission		43 MoReg 43		
7 CSR 10-24.070	Missouri Highways and Transportation Commission		43 MoReg 43		
7 CSR 10-24.080	Missouri Highways and Transportation Commission		43 MoReg 43		
7 CSR 10-24.100	Missouri Highways and Transportation Commission		43 MoReg 44		
7 CSR 10-24.110	Missouri Highways and Transportation Commission		43 MoReg 44		
7 CSR 10-24.120	Missouri Highways and Transportation Commission		43 MoReg 45		
7 CSR 10-24.140	Missouri Highways and Transportation Commission		43 MoReg 45		
7 CSR 10-24.200	Missouri Highways and Transportation Commission		43 MoReg 46		
7 CSR 10-24.210	Missouri Highways and Transportation Commission		43 MoReg 46		
7 CSR 10-24.300	Missouri Highways and Transportation Commission		43 MoReg 46		
7 CSR 10-24.330	Missouri Highways and Transportation Commission		43 MoReg 47		
7 CSR 10-27.020	Missouri Highways and Transportation Commission		42 MoReg 1656		
7 CSR 10-27.040	Missouri Highways and Transportation Commission		42 MoReg 1656		
7 CSR 60-2.010	Traffic and Highway Safety Division		41 MoReg 1688		
7 CSR 60-2.020	Traffic and Highway Safety Division		41 MoReg 1689		
7 CSR 60-2.030	Traffic and Highway Safety Division		41 MoReg 1690		
7 CSR 60-2.040	Traffic and Highway Safety Division		41 MoReg 1695		
7 CSR 60-2.050	Traffic and Highway Safety Division		41 MoReg 1699		
7 CSR 60-2.060	Traffic and Highway Safety Division		41 MoReg 1699		
7 CSR 265-9.010	Motor Carrier and Railroad Safety		42 MoReg 1657		
7 CSR 265-9.020	Motor Carrier and Railroad Safety		42 MoReg 1658		
7 CSR 265-9.040	Motor Carrier and Railroad Safety		42 MoReg 1659R		
7 CSR 265-9.050	Motor Carrier and Railroad Safety		42 MoReg 1659		
7 CSR 265-9.060	Motor Carrier and Railroad Safety		42 MoReg 1660R		
7 CSR 265-9.070	Motor Carrier and Railroad Safety		42 MoReg 1660		
7 CSR 265-9.090	Motor Carrier and Railroad Safety		42 MoReg 1661R		
7 CSR 265-9.100	Motor Carrier and Railroad Safety		42 MoReg 1661		
7 CSR 265-9.110	Motor Carrier and Railroad Safety		42 MoReg 1661		
7 CSR 265-9.130	Motor Carrier and Railroad Safety		42 MoReg 1662		
7 CSR 265-9.140	Motor Carrier and Railroad Safety		42 MoReg 1662R		
7 CSR 265-9.150	Motor Carrier and Railroad Safety		42 MoReg 1663R		
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR	Department of Labor and Industrial Relations				41 MoReg 845
8 CSR 10-5.015	Division of Employment Security		43 MoReg 7		
DEPARTMENT OF MENTAL HEALTH					
9 CSR	Department of Mental Health				41 MoReg 845
9 CSR 45-4.010	Division of Developmental Disabilities		42 MoReg 1761		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
DEPARTMENT OF NATURAL RESOURCES					
10 CSR	Department of Natural Resources				41 MoReg 845
10 CSR 1-2.030	Director's Office		This IssueR		
10 CSR 10-6.250	Air Conservation Commission		40 MoReg 1023	41 MoReg 37	
10 CSR 20-1.010	Clean Water Commission		This IssueR		
10 CSR 20-1.020	Clean Water Commission		This IssueR		
10 CSR 20-4.020	Clean Water Commission		This IssueR		
10 CSR 20-4.021	Clean Water Commission		This IssueR		
10 CSR 20-4.022	Clean Water Commission		This IssueR		
10 CSR 20-4.043	Clean Water Commission		This IssueR		
10 CSR 20-4.049	Clean Water Commission		This IssueR		
10 CSR 20-4.060	Clean Water Commission		This IssueR		
10 CSR 20-4.070	Clean Water Commission		This IssueR		
10 CSR 20-7.031	Clean Water Commission		42 MoReg 1424		
10 CSR 22-1.010	Dam and Reservoir Safety Council		This IssueR		
10 CSR 22-1.030	Dam and Reservoir Safety Council		This IssueR		
10 CSR 22-2.060	Dam and Reservoir Safety Council		This IssueR		
10 CSR 22-4.010	Dam and Reservoir Safety Council		This IssueR		
10 CSR 23-1.020	Division of Geology and Land Survey		This IssueR		
10 CSR 23-3.025	Division of Geology and Land Survey		This IssueR		
10 CSR 24-2.010	Hazardous Substance Emergency Response Office		This IssueR		
10 CSR 24-3.010	Hazardous Substance Emergency Response Office		This IssueR		
10 CSR 30-1.010	Land Survey		42 MoReg 1584R		
10 CSR 30-2.010	Land Survey		42 MoReg 1584R		
10 CSR 30-2.020	Land Survey		42 MoReg 1584R		
10 CSR 30-2.030	Land Survey		42 MoReg 1585R		
10 CSR 30-2.040	Land Survey		42 MoReg 1585R		
10 CSR 30-2.050	Land Survey		42 MoReg 1585R		
10 CSR 30-2.060	Land Survey		42 MoReg 1585R		
10 CSR 30-2.070	Land Survey		42 MoReg 1586R		
10 CSR 30-2.080	Land Survey		42 MoReg 1586R		
10 CSR 30-2.090	Land Survey		42 MoReg 1586R		
10 CSR 30-2.100	Land Survey		42 MoReg 1587R		
10 CSR 30-2.110	Land Survey		42 MoReg 1587R		
10 CSR 50-1.010	Oil and Gas Council		This IssueR		
10 CSR 60-1.010	Safe Drinking Water Commission		This IssueR		
10 CSR 60-4.020	Safe Drinking Water Commission		This IssueR		
10 CSR 60-4.092	Safe Drinking Water Commission		This IssueR		
10 CSR 60-4.110	Safe Drinking Water Commission		This IssueR		
10 CSR 70-1.010	Soil and Water Districts Commission		This IssueR		
10 CSR 70-7.100	Soil and Water Districts Commission		This IssueR		
10 CSR 70-7.110	Soil and Water Districts Commission		This IssueR		
10 CSR 70-7.120	Soil and Water Districts Commission		This IssueR		
10 CSR 70-7.130	Soil and Water Districts Commission		This IssueR		
10 CSR 70-7.140	Soil and Water Districts Commission		This IssueR		
10 CSR 70-7.150	Soil and Water Districts Commission		This IssueR		
10 CSR 70-8.010	Soil and Water Districts Commission		This IssueR		
10 CSR 70-8.020	Soil and Water Districts Commission		This IssueR		
10 CSR 70-8.030	Soil and Water Districts Commission		This IssueR		
10 CSR 70-8.040	Soil and Water Districts Commission		This IssueR		
10 CSR 70-8.050	Soil and Water Districts Commission		This IssueR		
10 CSR 70-8.060	Soil and Water Districts Commission		This IssueR		
10 CSR 70-8.070	Soil and Water Districts Commission		This IssueR		
10 CSR 70-8.080	Soil and Water Districts Commission		This IssueR		
10 CSR 70-8.090	Soil and Water Districts Commission		This IssueR		
10 CSR 70-8.100	Soil and Water Districts Commission		This IssueR		
10 CSR 70-8.110	Soil and Water Districts Commission		This IssueR		
10 CSR 70-8.120	Soil and Water Districts Commission		This IssueR		
10 CSR 80-1.010	Solid Waste Management		This IssueR		
10 CSR 80-2.050	Solid Waste Management		This IssueR		
10 CSR 80-2.060	Solid Waste Management		This IssueR		
10 CSR 80-2.070	Solid Waste Management		This IssueR		
10 CSR 80-8.060	Solid Waste Management		This IssueR		
10 CSR 80-9.040	Solid Waste Management		This IssueR		
10 CSR 80-10.040	Solid Waste Management		This IssueR		
10 CSR 90-1.010	State Parks		This IssueR		
10 CSR 90-2.060	State Parks		This IssueR		
10 CSR 90-3.050	State Parks		This IssueR		
10 CSR 90-3.060	State Parks		This IssueR		
10 CSR 90-3.070	State Parks		This IssueR		
10 CSR 90-3.080	State Parks		This IssueR		
DEPARTMENT OF PUBLIC SAFETY					
11 CSR	Department of Public Safety				42 MoReg 990
11 CSR 30-16.010	Office of the Director		42 MoReg 180		
11 CSR 30-16.020	Office of the Director		42 MoReg 182		
11 CSR 45-1.040	Missouri Gaming Commission		43 MoReg 48R		
11 CSR 45-4.020	Missouri Gaming Commission		41 MoReg 1543		
11 CSR 45-4.070	Missouri Gaming Commission		43 MoReg 48R		
11 CSR 45-4.430	Missouri Gaming Commission		43 MoReg 49R		
11 CSR 45-5.020	Missouri Gaming Commission		43 MoReg 49R		
11 CSR 45-5.053	Missouri Gaming Commission		41 MoReg 1543		
11 CSR 45-5.250	Missouri Gaming Commission		43 MoReg 49R		
11 CSR 45-5.280	Missouri Gaming Commission		43 MoReg 49R		
11 CSR 45-5.400	Missouri Gaming Commission		43 MoReg 50R		
11 CSR 45-5.410	Missouri Gaming Commission		43 MoReg 50R		
11 CSR 45-5.420	Missouri Gaming Commission		43 MoReg 50R		
11 CSR 45-6.050	Missouri Gaming Commission		43 MoReg 50R		

[illegible]

Rule Number	Agency	Emergency	Proposed	Order	In Addition
11 CSR 45-80.070	Missouri Gaming Commission		43 MoReg 76R		
11 CSR 45-80.080	Missouri Gaming Commission		43 MoReg 77R		
11 CSR 45-80.090	Missouri Gaming Commission		43 MoReg 77R		
11 CSR 45-80.091	Missouri Gaming Commission		43 MoReg 77R		
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20 CSR 2070-2.090	State Board of Chiropractic Examiners	41 MoReg 1525			
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11 CSR 50-2.010	Definitions42 MoReg 1751	Oct. 29, 2017April 26, 2018
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12 CSR 10-23.600	Complaint, Inspection, and Disciplinary Process for Transportation Network Companies42 MoReg 1223	Aug. 28, 2017Feb. 23, 2018
12 CSR 10-41.010	Annual Adjusted Rate of Interest42 MoReg 1752	Jan. 1, 2018June 29, 2018
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13 CSR 40-8.020	Ways of Treating Income and Assets42 MoReg 1060	July 1, 2017Feb. 22, 2018
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13 CSR 70-10.016	Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates42 MoReg 1225	Aug. 1, 2017Feb. 22, 2018
13 CSR 70-10.030	Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/IID Services42 MoReg 1356	Sept. 1, 2017Feb. 27, 2018
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology42 MoReg 1061	July 1, 2017Feb. 22, 2018
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)42 MoReg 1063	July 1, 2017Feb. 22, 2018
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15 CSR 30-3.010	Voter Identification Affidavit (Res)42 MoReg 956	June 1, 2017Feb. 22, 2018
15 CSR 30-3.020	Provisional Ballots and Envelopes for Registered Voters under Voter Identification Law42 MoReg 957	June 1, 2017Feb. 22, 2018
15 CSR 30-3.030	Procedures for Registered Voters Returning to the Polling Place with Identification42 MoReg 958	June 2, 2017Feb. 22, 2018
15 CSR 30-3.040	Procedures for Identity Verification for Provisional Ballots for Registered Voters under Voter Identification Law, Counting Approved Ballots, and Recordkeeping42 MoReg 958	June 1, 2017Feb. 22, 2018
15 CSR 30-3.050	Voter Inquiries as to Whether Provisional Ballot for Registered Voter was Counted42 MoReg 959	June 1, 2017Feb. 22, 2018
15 CSR 30-3.100	Procedures for Obtaining One (1) Copy of Documents Needed to Obtain Free Personal Identification for Voting42 MoReg 960	June 1, 2017Feb. 22, 2018
15 CSR 30-120.010	Definitions42 MoReg 1297	Aug. 28, 2017Feb. 22, 2018
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15 CSR 30-120.060	Examination42 MoReg 1300	Aug. 28, 2017Feb. 22, 2018
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19 CSR 10-15.050	Complication Plans for Certain Drug- and Chemically- Induced Abortions by Physicians Via Hospitals42 MoReg 1752	Nov. 3, 2017May 1, 2018
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19 CSR 20-1.040	Good Manufacturing Practices42 MoReg 1639	Oct. 23, 2017April 20, 2018
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19 CSR 30-30.061	Complication Plans for Certain Drug- and Chemically- Induced Abortions Via Abortion Facilities42 MoReg 1754	Nov. 3, 2017May 1, 2018
19 CSR 30-40.720	Stroke Center Designation Application and Review42 MoReg 1302	Aug. 17, 2017Feb. 22, 2018
19 CSR 30-81.030	Evaluation and Assessment Measures for Title XIX Recipients and Applicants in Long-Term Care Facilities42 MoReg 1137	July 15, 2017Feb. 22, 2018

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Department of Insurance, Financial Institutions and Professional Registration			
State Board of Nursing			
20 CSR 2200-4.020	Requirements for Licensure	42 MoReg 861	May 9, 2017Feb. 15, 2018
State Board of Pharmacy			
20 CSR 2220-2.650	Standards of Operation for a Class J: Shared Services Pharmacy	42 MoReg 1227	Aug. 6, 2017Feb. 22, 2018
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20 CSR 2233-1.040	Fees	42 MoReg 1065	Aug. 1, 2017Feb. 22, 2018
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22 CSR 10-2.030	Contributions	42 MoReg 1755	Jan. 1, 2018June 29, 2018
22 CSR 10-2.089	Pharmacy Employer Group Waiver Plan for Medicare Primary Members	42 MoReg 1756	Jan. 1, 2018June 29, 2018
22 CSR 10-2.094	Tobacco-Free Incentive Provisions and Limitations (Res.) . .	42 MoReg 1358	Oct. 1, 2017March 29, 2018
22 CSR 10-2.094	Tobacco-Free Incentive Provisions and Limitations	42 MoReg 1358	Oct. 1, 2017March 29, 2018
22 CSR 10-2.120	Partnership Incentive Provisions and Limitations (Res.) . .	42 MoReg 1359	Oct. 1, 2017March 29, 2018
22 CSR 10-2.120	Partnership Incentive Provisions and Limitations	42 MoReg 1359	Oct. 1, 2017March 29, 2018
22 CSR 10-2.135	Benefit Package Option	42 MoReg 1756	Nov. 6, 2017May 4, 2018
22 CSR 10-3.090	Pharmacy Benefit Summary	42 MoReg 1757	Jan. 1, 2018June 29, 2018
22 CSR 10-3.135	Benefit Package Option	42 MoReg 1758	Nov. 6, 2017May 4, 2018

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18-01	Rescinds Executive Order 07-21.	Jan. 4, 2018	Next Issue

2017

17-24	Designates members of the governor's staff to have supervisory authority over departments, divisions, and agencies of state government.	Nov. 17, 2017	43 MoReg 5
17-23	Advises that state offices will be closed on Friday, November 24, 2017.	Nov. 1, 2017	42 MoReg 1640
17-22	Implements the Emergency Mutual Assistance Compact and activates the state militia to aid the U.S. Virgin Islands in response to Hurricane Maria.	Sept. 20, 2017	42 MoReg 1579
17-21	Governor activates the state militia in anticipation of unrest in the St. Louis region.	Sept. 14, 2017	42 MoReg 1411
17-20	Governor establishes a board of inquiry to review evidence and provide a recommendation on the death sentence for inmate Marcellus Williams.	Aug. 22, 2017	42 MoReg 1361
Proclamation	Governor notifies the General Assembly that he is reducing appropriation lines in the fiscal year 2018 budget and permanently reducing appropriation lines in the fiscal year 2017 budget.	Aug. 1, 2017	42 MoReg 1307
17-19	Directs the Department of Health and Senior Services, the Department of Mental Health, the Department of Public Safety, the Department of Natural Resources, and the Department of Conservation to identify, train, equip, and assess law enforcement and emergency responder efforts to combat Missouri's Opioid Public Health Crisis.	July 18, 2017	42 MoReg 1229
17-18	Directs the Department of Health and Senior Services to create a prescription drug monitoring program.	July 17, 2017	42 MoReg 1143
Amended Proclamation	Governor convenes the Second Extra Session of the First Regular Session of the Ninety-Ninth General Assembly regarding abortions facilities.	July 6, 2017	42 MoReg 1139
17-17	Creates the Missouri Justice Reinvest Taskforce to analyze Missouri's corrections system and recommend improvements.	June 28, 2017	42 MoReg 1067
Proclamation	Governor convenes the Second Extra Session of the First Regular Session of the Ninety-Ninth General Assembly regarding abortions facilities.	June 7, 2017	42 MoReg 1024
Proclamation	Governor convenes the First Extra Session of the First Regular Session of the Ninety-Ninth General Assembly regarding attracting new jobs to Missouri.	May 18, 2017	42 MoReg 1022
17-16	Temporarily grants the Director of the Missouri Department of Revenue discretionary authority to adjust certain rules and regulations.	May 11, 2017	42 MoReg 909
17-15	Temporarily grants the Director of the Missouri Department of Health and Senior Services discretionary authority to adjust certain rules and regulations.	May 8, 2017	42 MoReg 907
17-14	Temporarily grants the Director of the Missouri Department of Natural Resources discretionary authority to adjust certain environmental rules and regulations.	May 4, 2017	42 MoReg 905
17-13	Activates the state militia in response to severe weather that began on April 28, 2017.	April 30, 2017	42 MoReg 865
17-12	Declares a State of Emergency and activates the Missouri State Emergency Operations Plan due to severe weather beginning on April 28, 2017.	April 28, 2017	42 MoReg 863
17-11	Establishes the Boards and Commissions Task Force to recommend comprehensive executive and legislative reform proposals to the governor by October 31, 2017.	April 11, 2017	42 MoReg 779
17-10	Designates members of the governor's staff to have supervisory authority over departments, divisions, and agencies of state government.	April 7, 2017	42 MoReg 777
17-09	Establishes parental leave for state employees of the executive branch of Missouri state government and encourages other state officials to adopt comparable policies.	March 13, 2017	42 MoReg 429
17-08	Declares a State of Emergency and activates the Missouri State Emergency Operations Plan due to severe weather that began on March 6.	March 7, 2017	42 MoReg 427
17-07	Establishes the Governor's Committee for Simple, Fair, and Low Taxes to recommend proposed reforms to the governor by June 30, 2017.	January 25, 2017	42 MoReg 315

**Executive
Orders**

Subject Matter

Filed Date

Publication

17-06	Orders that the Missouri State Emergency Operations Plan be activated. Further orders state agencies to provide assistance to the maximum extent practicable and directs the Adjutant General to call into service such portions of the organized militia as he deems necessary.	January 12, 2017	42 MoReg 267
17-05	Activates the Missouri State Emergency Operation Center due to severe weather expected to begin on Jan. 12, 2017.	January 11, 2017	42 MoReg 266
17-04	Establishes the position of Chief Operating Officer to report directly to the governor and serve as a member of the governor's executive team.	January 11, 2017	42 MoReg 264
17-03	Orders every state agency to immediately suspend all rulemaking until Feb. 28, 2017, and to complete a review of every regulation under its jurisdiction within the <i>Code of State Regulations</i> by May 31, 2018.	January 10, 2017	42 MoReg 261
17-02	Orders state employees of the executive branch of Missouri state government to follow a specified code of conduct regarding ethics during the Greitens administration.	January 9, 2017	42 MoReg 258
17-01	Rescinds Executive Orders 07-10, 88-26, 98-15, and 05-40 regarding the Governor's Advisory Council on Physical Fitness and Health and the Missouri State Park Advisory Board.	January 6, 2017	42 MoReg 257

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ACCOUNTANCY, MISSOURI STATE BOARD OF
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